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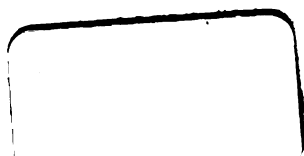
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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—(6.)—

PAROCHIAL CHARITIES (LONDON) BILL, &c.;
PARTNERSHIPS BILL;
POLICE AND SANITARY REGULATIONS;
POST OFFICE (ANNUITIES AND LIFE ASSURANCE POLICIES);
PRIVILEGE (MR. GRAY);
PUBLIC OFFICES SITE BILL.

Session

7 February — 2 December 1882.

12
VOL. XII.

1882.

BR Doc 650

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1882.

SEVEN VOLUMES:—CONTENTS OF THE SIXTH VOLUME.

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PARTNERSHIPS BILL:

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POLICE AND SANITARY REGULATIONS:

- 226. Report from the Select Committee on Police and Sanitary Regulations; with the Proceedings of the Committee, and an Appendix - 345

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R E P O R T

FROM THE

SELECT COMMITTEE

ON

PAROCHIAL CHARITIES (LONDON) BILL
AND
LONDON PAROCHIAL CHARITIES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

M I N U T E S O F E V I D E N C E,

A N D A P P E N D I X.

Ordered, by The House of Commons, to be Printed,
23 May 1882.

Ordered,—[Monday, 20th February 1882]:—THAT the PAROCHIAL CHARITIES (LONDON) BILL be read a second time, and committed to a Select Committee.

Ordered,—[Tuesday, 21st February 1882]:—THAT the LONDON PAROCHIAL CHARITIES BILL be read a second time, and referred to the same Committee as the Parochial Charities (London) Bill.

Ordered,—[Monday, 6th March 1882]:—THAT the Select Committee on the London Parochial Charities and Parochial Charities (London) Bills do consist of Eighteen Members, Twelve to be nominated by the House, and Six to be nominated by the Committee of Selection.

THAT all Petitions presented against the Bills be referred to the Select Committee on the Bills, provided such Petitions are presented three clear days before the meeting of the Committee, and that such of the Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bills against the said Petitions.

Committee nominated of—

Mr. Bryce.
Mr. Shaw Lefevre.
Mr. Walter James.
Mr. Firth.
Mr. Horace Davey.
Mr. William Lawrence.
Mr. Cubitt.
Earl Percy.
Mr. Baring.
Sir Matthew White Ridley.
Mr. Macfarlane.
Mr. Gorst.
Sir Thomas Acland.
Mr. Wilbraham Egerton.
Mr. Lewis Fry.
Mr. Jackson.
Mr. Mulholland.
Mr. Arthur Peel.

Nominated by the House.

Added by the Committee of Selection.
[Tuesday, 7th March.]

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

[Friday, 10th March 1882]:—Mr. Wilbraham Egerton and Mr. Mulholland discharged; Mr. Beresford and Mr. John Talbot added by the Committee of Selection.

Ordered,—[Monday, 13th March 1882]:—THAT the Report of the Commissioners appointed by Her Majesty to inquire into the Parochial Charities of the City of London, which was presented to this House in the year 1880, be referred to the Select Committee on the Parochial Charities (London) Bill and the London Parochial Charities Bill.

[Tuesday, 14th March 1882]:—Mr. Beresford discharged; Mr. Corry added by the Committee of Selection.

Ordered,—[Thursday, 23rd March 1882]:—THAT the Parties appearing before the Select Committee on the London Parochial Charities and the Parochial Charities (London) Bills have leave to print the Minutes of the Evidence taken before the Committee day by day, from the Committee Clerk's copy, if they think fit.

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R E P O R T.

THE SELECT COMMITTEE to whom the PAROCHIAL CHARITIES (LONDON) BILL was referred;—HAVE examined the allegations of the Bill, and found the same to be true, and have taken Evidence thereon, which they have agreed to Report to the House, and have gone through the Bill, and made Amendments thereunto.

23 *May* 1882.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 14th March 1882.

MEMBERS PRESENT :

Mr. Walter James.	Mr. Gorst.
Earl Percy.	Mr. Jackson.
Mr. Talbot.	Mr. Baring.
Mr. Bryce.	Mr. Macfarlane.
Mr. Firth.	Mr. Shaw Lefevre.
Mr. Matthew White Ridley.	Mr. Lewis Fry.
Mr. Horace Davey.	Mr. William Lawrence.
Mr. Cubitt.	

Mr. SHAW LEFEVRE was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 21st March 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Arthur Peel.	Sir Thomas Acland.
Earl Percy.	Mr. Macfarlane.
Mr. Gorst.	Mr. Lewis Fry.
Mr. William Lawrence.	Mr. Corry.
Mr. Cubitt.	Sir Matthew White Ridley.
Mr. Walter James.	Mr. Baring.
Mr. Bryce.	Mr. John Talbot.
Mr. Firth.	

LONDON PAROCHIAL CHARITIES BILL.

Preamble read a first time.

Counsel:—Mr. *Little*, Mr. *O'Hara*, and Mr. *Baggallay*.

Agents:—Messrs. *Wyatt & Co.*

The following Petitions against the Bill were read :

- (1). Corporation of City of London.
Counsel:—Mr. *Law*.
Agent:—Sir *T. Nelson*.
- (2). Rector of St. Botolph Without, Bishopsgate.
Counsel:—
Agents:—Messrs. *Wyatt & Co.*
- (3). Trustees of Charities for St. Dunstan-in-the-East.
Counsel:—
Agents:—Messrs. *Durnford & Co.*
- (4). Governors of Christ's Hospital.
Counsel:—
Agent:—Mr. *J. C. Rees*.
- (5). Rector of St. Magnus-the-Martyr.
Counsel:—Mr. *Jeune*.
Agents:—Messrs. *Simson, Wakeford, Goodhart, and Medcalf*.
- (6). Churchwardens of Charities in St. Aun's, Blackfriars.
Counsel:—
Agent:—Mr. *Stock*.

PAROCHIAL CHARITIES (LONDON) BILL.

Preamble read a first time.

The following Petitions against the Bill were read :

- (1). Corporation of City of London.
Counsel:—Mr. *Law*.
Agent:—Sir *T. Nelson*.
- (2). Rector of St. Botolph Without, Bishopsgate.
Counsel:—Mr. *Richards*.
Agents:—Messrs. *Wyatt & Co*.
- (3). Trustees of Charities for St. Dunstan-in-the-East.
Counsel:—
Agents:—Messrs. *Durnford & Co*.
- (4). Vestry of St. Luke's, Middlesex.
Counsel:—Mr. *Roberts*.
Agents:—Messrs. *Dyson & Co*.
- (5). Promoters of London Parochial Charities Bill.
Counsel:—Mr. *Littler*, Mr. *O'Hara*, and Mr. *Baggallay*.
Agents:—Messrs. *Wyatt & Co*.
- (6). Rector of St. Magnus-the-Martyr, Rev. *Israel McCaul*.
Counsel:—Mr. *Jeune*.
Agents:—Messrs. *Simson, Wakeford, Goodhart, and Medcalf*.
- (7). Governors of Christ's Hospital.
Counsel:—
Agent:—Mr. *J. C. Rees*.

Mr. *Littler* was heard on the question of procedure.

Room cleared. The Committee deliberated, and decided that the Parochial Charities (London) Bill should be proceeded with first, as also the evidence against the Bill. Parties called in, and informed thereof.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 24th March 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Earl Percy.
Mr. Gorst.
Mr. William Lawrence.
Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Macfarlane.

Mr. Baring.
Mr. Arthur Peel.
Mr. Corry.
Mr. Jackson.
Mr. Lewis Fry.
Mr. Cubitt.
Sir Matthew White Ridley.

PAROCHIAL CHARITIES (LONDON) BILL. *

A Memorandum, drawn up by Mr. *Bryce*, a Member of this Committee, was laid before the Committee in support of the Bill.

Mr. *Littler* was heard on behalf of the Petition of the Promoters of the London Parochial Charities Bill against the Bill, and in support of the London Parochial Charities Bill.

Evidence against the Bill.

Mr. *Robert Pearce* sworn, and examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 28th March 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Gorst.	Mr. Lewis Fry.
Mr. Walter James.	Mr. Baring.
Mr. William Lawrence.	Mr. Arthur Peel.
Mr. Bryce.	Mr. Jackson.
Mr. Firth.	Mr. Corry.
Sir Matthew White Ridley.	Mr. Cubitt.
Mr. Macfarlane.	Mr. John Talbot.

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence against the Bill continued.

Mr. *Robert Pearce* further examined.

Mr. *John Baggallay* sworn, and examined.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 31st March 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Bryce.	Mr. Gorst.
Mr. Walter James.	Earl Percy.
Mr. William Lawrence.	Mr. Jackson.
Mr. Macfarlane.	Mr. Firth.
Mr. Lewis Fry.	Mr. Corry.
Mr. Baring.	Sir Matthew White Ridley.
Mr. Arthur Peel.	Mr. John Talbot.

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence against the Bill continued—Mr. *Edwin Freshfield* sworn, and examined.

[Adjourned till Friday, 21st April, at Twelve o'clock.]

Friday, 21st April 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Bryce.	Mr. Firth.
Mr. Gorst.	Mr. John Talbot.
Mr. Macfarlane.	Mr. Corry.
Mr. Baring.	Mr. William Lawrence.
Mr. Horace Davey.	Mr. Lewis Fry.
Mr. Walter James.	Earl Percy.
Mr. Cubitt.	

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence against the Bill continued—Mr. *Edwin Freshfield* further examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 25th April 1882.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. William Lawrence.	Mr. Gorst.
Mr. Lewis Fry.	Mr. Corry.
Mr. Macfarlane.	Mr. Firth.
Mr. Jackson.	Mr. Horace Davey.
Mr. Bryce.	Mr. Cubitt.
Mr. Walter James.	Earl Percy.
Sir Matthew White Ridley.	

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence against the Bill continued.

Mr. *Henry D. Phillips* sworn, and examined.

Mr. *Law* was heard on behalf of the Petition of the Corporation of the City of London, against the Bill.

Mr. *Rickards* was heard on behalf of the Petition of St. Botolph Without, Bishopsgate, against the Bill.

Mr. *Jeune* was heard on behalf of the Petition of the Rector of St. Magnus the Martyr, the Rev. Israel M'Caul, against the Bill.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 28th April 1882.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. Bryce.	Mr. John Talbot.
Mr. Macfarlane.	Mr. Cubitt.
Mr. William Lawrence.	Mr. Horace Davey.
Mr. Lewis Fry.	Mr. Corry.
Sir Thomas Acland.	Mr. Jackson.
Earl Percy.	Mr. Firth.
Mr. Gorst.	Sir Matthew White Ridley.
Mr. Walter James.	

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence against the Bill continued.

Mr. *Edwin Freshfield* further examined.

Evidence in support of the Bill—Mr. *Albert Pell*, a Member of the House, and the Right Hon. Sir *Seymour Fitzgerald*, sworn and examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 2nd May 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Walter James.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. William Lawrence.
Earl Percy.
Mr. Corry.
Mr. John Talbot.

Mr. Bryce.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. Cubitt.
Mr. Jackson.
Mr. Lewis Fry.

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence in support of the Bill continued.

Right Hon. Sir *Seymour Fitzgerald* further examined.

Mr. *Henry Longley* sworn and examined.

[Adjourned till Friday next, at One o'clock.

Friday, 5th May 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Bryce.
Mr. Walter James.
Mr. William Lawrence.
Mr. Lewis Fry.
Mr. Baring.
Mr. Macfarlane.
Sir Thomas Acland.
Mr. Corry.

Mr. Jackson.
Earl Percy.
Mr. Horace Davey.
Sir Matthew White Ridley.
Mr. Cubitt.
Mr. John Talbot.
Mr. Gorst.

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence in support of the Bill continued—Rev. *W. H. Milman* sworn, and examined.

Mr. *O'Hara* was heard against the Parochial Charities (London) Bill, and in support of the London Parochial Charities Bill.

Room cleared.—The Committee deliberated.

Motion made, and Question put, "That in the opinion of the Committee it is expedient to proceed with the Parochial Charities (London) Bill"—(The *Chairman*).—The Committee divided:

Ayes, 11.

Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Firth.
Mr. Macfarlane.
Mr. Lewis Fry.
Mr. Baring.
Mr. Horace Davey.
Mr. Corry.
Mr. John Talbot.

Noes, 5.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. Gorst.
Earl Percy.
Mr. William Lawrence.

Parties called in, and informed thereof.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 9th May 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Firth.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Baring.
Mr. Arthur Peel.
Mr. Corry.
Mr. John Talbot.
Mr. Bryce.

Mr. James.
Mr. Cubitt.
Mr. William Lawrence.
Mr. Gorst.
Earl Percy.
Sir Matthew White Ridley.
Mr. Jackson.
Mr. Lewis Fry.

PAROCHIAL CHARITIES (LONDON) BILL.

Evidence in support of the Bill continued.

Rev. *William Fleming* sworn, and examined.

Room cleared.—The Committee deliberated.

Preamble read a second time.

Amendment proposed, in paragraph I., line 1, after the word "Whereas," to leave out the word "the"—(Mr. *Corry*).—Question put, That the word "the" stand part of the paragraph.—The Committee divided :

Ayes, 6.

Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Arthur Peel.

Noes, 9.

Mr. Jackson.
Sir Matthew White Ridley.
Earl Percy.
Mr. Gorst.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.

Another Amendment proposed, in paragraph I., line 1, after the word "Whereas," to insert the words "it is desirable to make provision for the better application and management of the Parochial Charities of the City of London"—(The *Chairman*).—Question, That those words be there inserted—put, and *agreed to*.

Paragraph II., *disagreed to*.

Paragraph III., *disagreed to*.

Motion made, and Question put, That Paragraph IV. stand part of the Preamble.—The Committee divided :

Ayes, 5.

Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Arthur Peel.

Noes, 9.

Mr. Jackson.
Sir Matthew White Ridley.
Earl Percy.
Mr. Gorst.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.

Paragraph V., *disagreed to*.

PROCEEDINGS OF THE SELECT COMMITTEE

Motion made, and Question put, That Paragraph VI. stand part of the Preamble.—The Committee divided :

Ayes, 6.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Baring.
Mr. Arthur Peel.
Mr. John Talbot.

Noes, 8.
Mr. Jackson.
Sir Matthew White Ridley.
Earl Percy.
Mr. Gorst.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Firth.
Mr. Corry.

Paragraphs VII.—X., *disagreed to*.

Question, That the "Preamble, as amended," is proved,—put, and *agreed to*.

Parties called in, and informed thereof.

Clause 1, *agreed to*.

Clause 2:—Motion made, and Question put, "That Clause 2 be postponed."—The Committee divided :

Ayes, 7.
Mr. Gorst.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Arthur Peel.

Noes, 7.
Mr. Jackson.
Sir Matthew White Ridley.
Earl Percy.
Mr. William Lawrence.
Mr. Firth.
Mr. Baring.
Mr. Corry.

Whereupon the *Chairman* declared himself with the *Ayes*.

Clauses 3—4, *postponed*.

Clause 5.—Mr. *Roberts*, on behalf of the Petition of the Vestry of St. Luke's, was heard against the Clause.

Mr. *Beechcroft*, on behalf of the Petition of Christ's Hospital, was heard against the Clause.

Motion made, and Question put, "That the Rev. John Sinclair and the Hon. E. Lyulph Stanley, a Member of the House, be examined"—(Mr. *Firth*).—The Committee divided :

Ayes, 5.
Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Lewis Fry.

Noes, 7.
Sir Matthew White Ridley.
Earl Percy.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 16th May 1882.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir Matthew White Ridley.
Earl Percy.
Mr. Gorst.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.

Mr. Macfarlane.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.
Mr. Lewis Fry.
Mr. Arthur Peel.
Mr. Horace Davey.

PAROCHIAL CHARITIES (LONDON) BILL

The Committee deliberated.

Motion made, and Question put, "That the Charity Commissioners be the Executive Body for the purposes of the Bill"—(Sir Matthew White Ridley).—The Committee divided:

Ayes, 8.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Lewis Fry.
Mr. John Talbot.

Noes, 4.
Earl Percy.
Mr. Macfarlane.
Mr. Baring.
Mr. Corry.

Clause 5, *further considered*.

Amendment proposed in line 5, to leave out from the word "within," to the word "purposes," in line 6, in order to insert the words "or applied to or for the benefit of any parish or part of a parish within the City of London, or of any inhabitant or inhabitants thereof"—(The Chairman).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Proposed words inserted.

Another Amendment proposed, in line 19, after the word "buildings," to insert the words "or for the maintenance of Divine service therein"—(Mr. Gorst).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in line 20, to leave out from the words "but the" to the word "purpose" in line 25, in order to insert the words "and the user of property for ecclesiastical purposes shall be ground for holding that such property was given for such purpose unless the Commissioners have ground for believing that such property was originally given for non-ecclesiastical purposes"—(Mr. Gorst).—Question put, That the words "but the" stand part of the Clause.—The Committee divided:

Ayes, 7.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Horace Davey.
Mr. Lewis Fry.
Mr. Arthur Peel.

Noes, 5.
Sir Matthew White Ridley.
Earl Percy.
Mr. Gorst.
Mr. Baring.
Mr. John Talbot.

Another Amendment proposed, in line 20, after the words "but the," to insert the word "partial"—(Mr. Cubitt).—Question put, That the word "partial" be there inserted.—The Committee divided:

Ayes, 4.
Earl Percy.
Mr. Cubitt.
Mr. Baring.
Mr. John Talbot.

Noes, 8.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Horace Davey.
Mr. Lewis Fry.
Mr. Arthur Peel.

Another Amendment proposed, in line 20, after the words "but the," to insert the word "recent"—(Mr. Baring).—Question put, That the word "recent," be there inserted.—The Committee divided:

Ayes, 5.
Earl Percy.
Mr. Gorst.
Mr. Cubitt.
Mr. Baring.
Mr. John Talbot.

Noes, 6.
Sir Matthew White Ridley.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Horace Davey.
Mr. Lewis Fry.

Another Amendment proposed, in line 20, after the word "ecclesiastical," to insert the words "or any other"—(Mr. Gorst).—Question, That those words be there inserted,—put, and *agreed to*.

Other Amendments made.

Another Amendment proposed, in line 31, to leave out from the words "For the purposes," to end of Clause—(The *Chairman*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.

Clause 5, as amended, *agreed to*.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 19th May 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Macfarlane.	Mr. Gorst.
Sir Thomas Acland.	Mr. John Talbot.
Mr. Baring.	Mr. Horace Davey.
Mr. Cubitt.	Mr. Firth.
Mr. William Lawrence.	Earl Percy.
Mr. Bryce.	Sir Matthew White Ridley.
Mr. Lewis Fry.	Mr. Arthur Peel.
Mr. Walter James.	Mr. Corry.

PAROCHIAL CHARITIES (LONDON) BILL.

Clauses 6—9, *agreed to*.

Clause 10, *disagreed to*.

Clauses 11—12, *agreed to*.

Clause 13.—Amendment proposed, in section (a), line 22, after the word "property," to insert the words "and chattels, real"—(Mr. *Bryce*).—Question, That those words be there inserted,—put, and *agreed to*.

Another Amendment proposed, in line 31, to leave out the words "For carrying over to a separate account"—(Mr. *Gorst*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided :

Ayes, 10.	Noes, 3.
Mr. William Lawrence.	Mr. Gorst.
Mr. Cubitt.	Mr. Corry.
Mr. Walter James.	Mr. John Talbot.
Mr. Bryce.	
Mr. Firth.	
Sir Thomas Acland.	
Mr. Macfarlane.	
Mr. Lewis Fry.	
Mr. Baring.	
Mr. Horace Davey.	

Another Amendment proposed, in line 33, to leave out the words "of the Commission," in order to insert the words "incurred by the Commissioners in carrying out this Act"—(Mr. *Bryce*).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived*.—Words inserted.

Another Amendment proposed, at the end of the Clause, to add new section (d) "For saving the rights, if any, of any parish or part of a parish situate within the City of London, or of any of the inhabitants thereof, in the charity property and endowments subject to this Act or the income thereof"—(Mr. *Gorst*).—Question put, That the proposed section be added to the Clause.—The Committee divided :

Ayes, 6.	Noes, 6.
Mr. Gorst.	Mr. Walter James.
Mr. William Lawrence.	Mr. Bryce.
Earl Percy.	Mr. Firth.
Mr. Cubitt.	Sir Thomas Acland.
Mr. Baring.	Mr. Lewis Fry.
Mr. Corry.	Mr. Horace Davey.

Whereupon the *Chairman* declared himself with the *Noes*.

Clause 13, as amended, *agreed to*.

Clause

Clause 14.—Amendment proposed, in line 7, to leave out the word “applied,” in order to insert the words “may be fitting and proper to the due fulfilment thereof”—(Mr. *Gorst*).—Question put, That the word “applied” stand part of the Clause.—The Committee divided:

Ayes, 10.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Lewis Fry.
Mr. Baring.
Mr. Horace Davey.
Mr. Corry.

Noes, 3.
Earl Percy.
Mr. Gorst.
Sir Matthew White Ridley.

Another Amendment proposed, in line 22, after the word “applicable,” to add the words “or within any parish which was formerly united with or formed part of such parish”—(Mr. *Bryce*).—Question, That those words be there added,—put, and *agreed to*.

Another Amendment proposed, in line 26, after the word “parish,” to add the words “whether by means of exhibitions, or of technical instruction, or of secondary education, or of art education, or otherwise as to the Commissioners may seem good”—(Mr. *Bryce*).—Question, That those words be there added,—put, and *agreed to*.

Clause 14, as amended, *agreed to*.

Clause 15.—Amendment proposed, in line 23, to leave out the words “any one or more of”—(Earl *Percy*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 11.
Sir Matthew White Ridley.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Lewis Fry.
Mr. Horace Davey.
Mr. Corry.
Mr. Arthur Peel.

Noes, 3.
Earl Percy.
Mr. Gorst.
Mr. Baring.

Another Amendment proposed, in line 27, to leave out the words “whether by means of exhibitions”—(Mr. *Firth*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 10.
Sir Matthew White Ridley.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Lewis Fry.
Mr. Horace Davey.
Mr. Corry.
Mr. Arthur Peel.

Noes, 4.
Earl Percy.
Mr. Gorst.
Mr. Firth.
Mr. Baring.

Another Amendment proposed, in line 36, after the word “Metropolis,” to add the words “by way of contribution”—(Mr. *Cubitt*).—Question put, That those words be there added.—The Committee divided:

Ayes, 2.
Mr. Cubitt.
Mr. Firth.

Noes, 6.
Sir Matthew White Ridley.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Lewis Fry.
Mr. Corry.

Clause 15, as amended, *agreed to*.

Clauses 16—22, *agreed to*.

Clause 23, amended, and *agreed to*.

Clauses 24—33, *agreed to.*

Clause 34, amended, and *agreed to.*

Clause 35, *agreed to.*

Clause 36, amended, and *agreed to.*

Clauses 37—39, *agreed to.*

Clauses 40—41, amended, and *agreed to.*

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 23rd May 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Cubitt.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Baring.
Mr. Corry.
Mr. William Lawrence.
Mr. Horace Davey.
Mr. Walter James.

Mr. Bryce.
Sir Matthew White Ridley.
Mr. Jackson.
Mr. Firth.
Mr. John Talbot.
Mr. Gorst.
Mr. Lewis Fry.

PAROCHIAL CHARITIES (LONDON) BILL.

Clause 42.—Amendment proposed, in line 7, to leave out the words “shall consist,” in order to insert the words, “and the number of members and constitution of such governing body shall be at the discretion of the Commissioners, regard being had by them to the interests of the various sections of the community who are made by, intrusted in, or concerned with these charities”—(Mr. Talbot).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided :

Ayes, 12.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Horace Davey.
Mr. Baring.
Mr. Corry.
Mr. Lewis Fry.

Noes, 2.

Mr. Firth.
Mr. John Talbot.

Another Amendment proposed, in line 7, to leave out from the words “the following,” down to the word “named,” in line 6, page 16, in order to insert the words “nineteen persons, of whom five shall be nominated by the Crown, four by the Corporation of London, and the remainder in such manner as by such persons or bodies as the Commissioners shall by scheme provide, regard being had by them to the interests of the various classes of the community who are, or may hereafter be, interested in the charity property to be administered by such new governing body”—(Sir Matthew White Ridley).—Question, That the words proposed to be left out stand part of the Clause,—put, and *negatived.*

Question proposed, That the proposed words be there inserted :

Amendment proposed to proposed Amendment, to leave out the word “nineteen”—(Mr. Bryce).—The Committee divided :

Ayes, 7.

Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Horace Davey.

Noes, 8.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. Firth.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.
Mr. Lewis Fry.

Another

Another Amendment proposed to the proposed Amendment, to leave out the word "four"—(Mr. *Firth*).—Question put, That the word "four" stand part of the proposed Amendment.—The Committee divided :

Ayes, 11.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Mr. Horace Davey.
Mr. Corry.
Mr. John Talbot.
Mr. Lewis Fry.

Noes, 4.

Mr. Firth.
Sir Thomas Acland.
Mr. Macfarlane.
Mr. Baring.

Another Amendment proposed to proposed Amendment, after the words "Corporation of London," to insert the words "two by the School Board for London"—(Mr. *Firth*).—Question put, That those words be there inserted.—The Committee divided :

Ayes, 4.

Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.

Noes, 11.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. Gorst.
Mr. William Lawrence.
Mr. Cubitt.
Mr. Macfarlane.
Mr. Horace Davey.
Mr. Baring.
Mr. Corry.
Mr. John Talbot.
Mr. Lewis Fry.

Proposed Amendment inserted.

Another Amendment proposed, in line 7, to leave out from the word "each" to the end of line 10—(Mr. *Talbot*).—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided :

Ayes, 9.

Mr. William Lawrence.
Mr. Cubitt.
Mr. Walter James.
Mr. Bryce.
Mr. Firth.
Sir Thomas Acland.
Mr. Horace Davey.
Mr. Corry.
Mr. Lewis Fry.

Noes, 3.

Mr. Jackson.
Sir Matthew White Ridley.
Mr. John Talbot.

Clause 42, as amended, *agreed to*.

Clause 43, amended, and *agreed to*.

Clause 44, *agreed to*.

Postponed Clause 2, *negatived*.

Postponed Clause 3, amended, and *agreed to*.

Postponed Clause 4, *negatived*.

Several new clauses *added*.

Schedules *agreed to*.

Ordered, To Report the Bill, as amended, to the House, together with the Minutes of Evidence and Appendix.

Preamble of the London Parochial Charities Bill read a second time.

Question, That the Preamble is proved,—put, and *negatived*.

Ordered, To Report.

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MINUTES OF EVIDENCE.

Friday, 24th March 1882.

MEMBERS PRESENT :

Sir Thomas Acland.
Mr. Baring.
Mr. Bryce.
Mr. Corry.
Mr. Cubitt.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.

Mr. Jackson.
Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Mr. Arthur Peel.
Earl Percy.
Sir Matthew White Ridley.

The RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

Mr. *Little* was heard to open the case on behalf of the Promoters of the "London Parochial Charities Bill" against the "Parochial Charities Bill."

Mr. *Robert Pearce*, sworn.

Examined by Mr. *Claude Baggallay*.

1. You are a Solicitor, I believe, in the City?—Yes.
2. And you are also, I believe, district clerk of one of the parishes scheduled to these Bills?—Yes, St Giles without Cripplegate. It is in the First Schedule to the Public Bill.
3. Will you kindly inform the Committee who the Promoters of the City Bill consist of?—They represent the parishes having an income, according to the Parliamentary Return of 1880, of 87,000 *l.* and upwards per annum. The parishes are Allhallows, Bread-street; Allhallows, Honey-lane; Allhallows, Lombard-street; Allhallows, London Wall; Allhallows, Staining; St. Alphage, St. Andrew, Holborn; St. Andrew (Middlesex Liberties); St. Andrew, Saffron Hill Liberty; St. Andrew, Undershaft; St. Andrew-by-the-Wardrobe; St. Anne, Blackfriars; St. Anne, St. Agnes, Aldersgate.
- Chairman.*] You need not go through all the names.
4. Mr. *Claude Baggallay.*] How many parishes are there?—Eighty-six or 87.
5. Whose representatives are concerned in the promotion of the Private Bill?—Yes, who have assented to the Private Bill in some way, and subscribed to the promotion of the Private Bill.
6. What is the amount of income they represent?—£. 87,000 out of 116,960 *l.*
7. Sir *Matthew White Ridley.*] When you say income, do you mean income from charities?—The income per annum.

0.79.

A +

8. Mr.

24th March 1882.]

Mr. PEARCE.

[Continued.]

8. Mr. *Claude Baggallay*.] The income from charities represented by the Private Bill?—Yes.

9. Will you kindly relate shortly the history of the action taken by the charities?—The action of the trustees of the charities before the Royal Commission?

10. Take before the Royal Commission first?—That evidence will come as to their joint action very much better from Mr. Freshfield, who was the chief agent in that joint action, but the separate action of the trustees before the Royal Commission I can give you. In the Royal Commissioners' Report, on page 25, is a list of 15 parishes who have either applied for or obtained new schemes, and the income of which charities amounted to 24,000 *l.* a year. Besides those charities an immense number of applications were made to the various authorities, either in Chancery or to the Charity Commissioners, for schemes regulating individual charities, for the state of the law did not allow schemes to be made, and does not allow schemes to be made, except for individual charities. There were schemes applied for by St. Botolph, Aldersgate, as mentioned in Answer 4310, and other answers in this evidence. There were schemes applied for Sir John Cass's Charity for St. Botolph's, Aldersgate, a very large educational gift of an income of 6,000 *l.* a year, and in the same parish for Starling's Gift. In St. Catherine Coleman parish a scheme was applied for with regard to Ewer's Gift, as appears by Answer 3125. In St. Catherine Cree a general scheme was suggested, as appears by Answers 3247 and 3189. These are the numbers of the answers in the Evidence given in the Appendix to the Royal Commission, No. 2. In St. Christopher-le-Stock, the Bank of England parish, for Barnes' Gift, there was an application for a scheme, as appears from Question No. 6190. St. Dunstan-in-the-East is regulated by a scheme, and there is a very large income there. In St. Dunstan-in-the-West, in the Packington Charity, the doles were transformed into pensions, as appears by Question 728. In St. Edmund King and Martyr, for Long's Charity, there was a scheme, and in St. James's, Garlickhithe, a Chancery Order. In St. John-the-Baptist, Walbrook, there was a scheme in 1868, as appears by Answer 6336. In St. Lawrence, Jewry, which is not concerned in the promotion of this Bill, there was a scheme in 1874, and another scheme in 1875, dealing with separate charities belonging to those parishes. In St. Leonard's, Foster-lane, there was a Chancery Order in 1861. In St. Bartholomew's, Royal Exchange, a plan of devoting charities for the benefit of the Reverend Mr. Rogers' Middle-class Schools was adopted. In St. Martin Orgar, for Anne Sandy's Charity, a scheme was applied for. In St. Martin Vintry the Treisham Charity applied for a scheme. In St. Mary, Bothaw, a Chancery Order was obtained for a scheme. In St. Mary, Colechurch, Edmund's Charity, a very large charity, was regulated by a scheme. St. Mary Magdalene, Old Fish-street, Berrie's Charity, applied to the Court of Chancery for a scheme, and Kendal's Charity also. In St. Mary Magdalene, Milk-street, they were anxious for a general scheme, as appears by Answer 7120. In St. Michael's Bassishaw, not one of the Promoters of the City Bill, there was a Charity Commission scheme in 1878, and in St. Michael, Cornhill, there was a Chancery Scheme under a Rolls decree in 1860. In St. Michael, Wood-street, and St. Mary, Staining, the Court of Chancery themselves extended the objects of the charity outside the parishes who have any scheme, and that has been done in many cases. In St. Mildred, Bread-street, there was a Chancery Scheme, and in St. Nicholas Olave there was a Chancery Scheme also.

11. *Chairman*.] What is the object of this evidence?—The object of this evidence is to show the action of the trustees during a long series of years, and the number of schemes which a clause in the Public Bill must necessarily set aside, or affect if that clause should be adopted.

12. Which it may set aside?—Which it may set aside. It takes power to set them aside.

13. All these appear in the Report of the Royal Commission?—They do.

14. *Chairman*.] I do not think we need take at any length any evidence which is already in the evidence of the Commission.

Sir

24th March 1882.]

MR. PEARCE.

[Continued.]

Sir Thomas Acland.] Does the learned counsel want to get this on the notes?

Mr. Claude Baggallay.] Certainly.

I think it is desirable that the members of the Committee should be referred to the large numbers of schemes mentioned in the Royal Commissioners' Report which are not set out in the list of parishes, which applied for new schemes, at page 25.

15. Mr. Macfarlane.] Were those proposals for schemes, or completed schemes?—Completed schemes in almost all cases.

16. Mr. Baring.] We have got them all in the books?—Yes, only it is difficult to disinter them.

17. Chairman.] I think it will be sufficient if you refer the Committee to them?—There are but a few more.

18. You have referred us to the page, and that will be sufficient?—For instance, St. Olave, Old Jewry, there was a scheme proposed, thereby memorial to the Home Secretary, which is mentioned in Question No. 1642; and in St. Peter, Cornhill, there was a Charity Commission Scheme in 1879, and one in St. Peter-le-Poor in 1878. There is only one other, and that is in St. Stephen's, Walbrook, a Rolls' Scheme. They are all mentioned in the Commissioners' Report, and amounted to 40,000 l. a year at the time of this Report, done by the trustees themselves in concert either with the Court of Chancery or the Charity Commissioner, under the existing law.

19. Mr. Baring.] I think you said somewhere they extended these without any legal sanction?—No doubt, in many cases.

20. Mr. Cubitt.] Have any schemes been passed since the Report of the Royal Commission?—In all City cases they have suspended their operations pending legislation. That has happened, I know, in several parishes.

21. Mr. Claude Baggallay.] It comes to this. There had been considerable action taken on the part of the trustees of City charities with a view to extending the benefit of the fund which they had under their control?—Yes.

22. Subsequent to the Royal Commissioners' Report was any action taken by the trustees down to the end of last year when the notice was given for the introduction of the Private Bill?—All the proceedings by the trustees conjointly which have led to the presentation of this Bill, have involved meetings of the trustees from day to day, and from week to week, all through the Session of 1881, in consequence of which a scheme was published in August 1881, and printed in the newspapers and communicated to various Members, showing the scheme which is now embodied in the Bill called the Private Bill. That was done in August of last year.

23. Mr. Baring.] Do you mean Members of Parliament, members of the Corporation, or members of the vestries?—The scheme proposed by the churchwardens and the trustees was printed in the "City Press," in August 1881, *in extenso*, and knowledge of that Bill reached everyone interested in this particular matter.

Mr. Baring.] It is very strange that it never reached me, and I am a Citizen.

24. Mr. Walter James.] In the "City Press" of June 1881 it was published?—I will get the "City Press" itself. (*After referring*). It was in August 1881.

25. Mr. Claude Baggallay.] Were there any large meetings held in the City with a view to taking action in consequence of the Royal Commission?—A considerable number of meetings for the election of representatives of the parishes, at which the Promoters of this Bill were chosen.

26. Was there any exclusion of any classes of trustees of City charities?—Not after the first meeting; the second meeting was representative.

24th March 1882.]

Mr. PEARCE.

[*Continued.*]

27. *Mr. Baring.*] Do I understand these were public or private meetings?—Meetings summoned by invitation in the first instance of the churchwardens. The churchwardens then resolved that representatives should be elected by each parish, and when the names of the representatives were known they were constantly summoned by invitation. The proceedings were public in this sense, that all their proceedings were reported in the journals of the day; in the “City Press” and “Citizen.”

28. In the local journals?—In the City journals.

29. *Mr. Claude Baggallay.*] There was no exclusion from any of these meetings of the clerical element, was there?—No, not after the first meeting.

30. Now will you take the two Bills and the Royal Commissioners’ Report, and point out the differences, and give your opinion with regard to them as a vestry clerk?—I should like to have pointed out that Mr. Freshfield can give better particulars of these. There were some meetings of churchwardens of parishes in the City for some length of time before the Royal Commission, and a deputation waited on the Royal Commission in consequence, and put their views before them. That appears in Mr. Freshfield’s evidence before the Commission. On the clauses of the Bill perhaps it would be convenient to take the City Bill first; and the first matter that I desire to draw attention to is the statement in the Preamble that the trustees desire to obtain powers for enabling them to apply the income. I think, perhaps, I need not trouble about that, but I simply call attention to the fact that that is strongly the desire of all the trustees interested in the matter, and that so far as the Commissioners are concerned, the City Trustees are anxious and desire the insertion of these words as has already been pointed out by Counsel. I do not know whether you require me to prove what Counsel has said.

31. *Chairman.*] Certainly, it would not be desirable that you should repeat what Counsel has said?—Shall I simply give the evidence in favour of it? I should not like it to be said afterwards that no evidence was given of the desire of the trustees in favour of the insertion of the names of two Commissioners, simply because I omitted to mention it. You may take that, of course, on Counsel’s statement. Then there is a matter in the 3rd clause as to the duration of the powers of the Commissioners, which is not to be found in the Public Bill. In the last part of that section there are words inserted there to transfer the power of the temporary Commission to the Charity Commissioners when the time fixed by the Act shall have elapsed, and these words are inserted to give effect to the recommendation of the Royal Commission to the same effect on page 12 of the Report. “After the Temporary Commission, the appointment of which we have suggested, has come to an end, we recommend that its powers should devolve on the Charity Commissioners,” and that is represented in the City Bill in the way I have mentioned which makes the Commissioners in that Bill an auxiliary Charity Commission. Then in clause 5, “Inquiry and Statement,” the powers of the Commissioners are by the City Bill to enable them to put in the Schedule all ecclesiastical charity property, “such as have been for a long period of years applied to such purposes.” Those words are not in the Public Bill, but they are the words of the Royal Commissioners’ Report on page 10, where they say that the classification should include as ecclesiastical charity, “also such as have been for a long period of years applied to such uses, though not specifically enjoined by the will of the founder.” There is a disagreement amongst the Royal Commissioners on that head which is referred to in the Memorandum later on in the Report; but the City Bill is in accordance with the majority of the Royal Commissioners. To give full effect to the definition of ecclesiastical charity property words are inserted in the clause that it shall include such money as has been let for maintenance and repair of the fittings or ornaments of ecclesiastical buildings, or the maintenance of Divine Service therein. That is in accordance with the Royal Commission, and those words are not in the Public Bill. Will it be convenient for me to say anything that is to be said about the corresponding Clause in the Public Bill at the same time?

Chairman.]

24th March 1882.]

MR. PEARCE.

[Continued.]

Chairman.] I think not; your Counsel has already explained to the Committee the difference between the two.

Mr. Claude Baggallay.] But the speech of Counsel is not necessarily on the notes.

Chairman.] But this is not a matter of evidence; it is a matter of opinion.

Mr. Claude Baggallay.] I was going to propose to do this: namely, at the end to ask him whether the opinion in the City amongst the trustees, so far as he knew, he acting as solicitor for them, was in favour of the Private Bill as it stands rather than in favour of the other Bill.

Chairman.] There is no objection to that question. You might ask that now.

32. *Mr. Claude Baggallay.*] I have not been able to hear exactly all that Mr. Pearce has said; but I was in hopes that, in addition to pointing out why those words were put in, he would also point out why the City Charity Trustees thought it desirable to have them in?—In this particular case that is so, because they are in the Royal Commissioners' Report.

Chairman.] It seems to me all you have to get out of this witness is that the Private Bill has been carefully considered by the trustees, and that in his belief it represents their views.

33. *Mr. Claude Baggallay.*] Then I will ask this question now of Mr. Pearce. Do you consider that all the variations that appear in that Private Bill between the Royal Commission and the Public Bill are in their essence good?—I believe they represent the views of the City Trustees.

34. Now go to that one in Clause 2. Can you give any reasons particularly for thinking that there ought to be five Commissioners, two of them to be nominated by the City Trustees?—It has already been mentioned as being the anxiety of the City Trustees to be fairly represented on that Commission, so that the local knowledge which they have may be available for the purposes of the Commission. It seems to me convenient that we should put before the Committee a print which we have ready, showing the differences between the City Bill and the Public Bill, and which exhibits those differences by *Italics*, but that print does not show the points upon which either Bill agrees with the recommendations of the Royal Commission, and if I confine myself mainly to the reasons for deviations from the Royal Commission, perhaps that would be the best course that my evidence can take, and the most useful to the Committee.

35. *Chairman.*] Then you will lay before the Committee this print showing the points of difference?—Between the two Bills, and I will explain to you the Private Bill, which is closer to the Royal Commission than the other, and I think if I do that I shall have done all I can to help the Committee in the matter. Then Clause 6 of the City Bill, which I am following now, is drawn more in accordance with the language of the Royal Commission than the corresponding Clause in the Public Bill. In Clause 7, which is the clause as to vested interests and equitable claims, there is one great difference between the City Bill and the Public Bill which comes out strongly, that in view of the probably enormous sum that compensation claims might run to, and the length of time which they would certainly involve the Commission in, far beyond anything proposed by the Bill, it was thought desirable, in the interests of all parties, and in the interest of a speedy reform of the charities, that the present vested interests of the recipients of the charities and the official class of vested interests, to use the words of the Royal Commission, should not be interfered with beyond this, that they should not last beyond the lives of the present holders, and this Clause 7 is intended to effect that. We apprehend that will remove a great impediment from the dealings of the Commissioners with a large number of vested interests. The special definition in the Public Bill seemed to us to

24th March 1882.]

Mr. PEARCE.

[Continued.]

narrow it unduly, and we differed from it in that respect. Then there is nothing to be said on Clauses 8, 9, and 10, as they are substantially in agreement with the Public Bill; but on page 16, at the bottom of Clause 19, there are some words to which attention will have to be directed. The words "charitable trust and charitable property;" that word there should be "charity," if you will kindly take it so; "in this section shall be deemed to include only such trusts and property as either in whole or in part are now or have been expressly made applicable to eleemosynary purposes." Those words will be better dealt with by Mr. Phillips, one of the witnesses here, and I need only say about it that the intention of that was to prevent property which is only charitable in the contemplation of law, and which has no kind of charitable purpose in the ordinary popular sense of charity, from being dealt with without due consideration by the Commissioners. There is a considerable amount of property of that character in the City, the title to which discloses various modes in which the particular parishes have acquired it, all of which must form the subject of the most careful inquiry, and it is desirable not to limit the words "charitable trust" and "charity property" there in the usual way.

36. Mr. *Walter James*.] Can you give us any particular parishes now?—I think all those parishes where money has been applied for other than strictly charitable purposes have some property of that kind which deserves or will require special attention at the hands of the Commission. All parishes where there is money not applied for strictly charitable purposes. In Clause 11 there is no great difference between the two Bills and the Report of the Commission; but in Clause 12, in the City Bill, there is a sub-section B., which is, "For saving the rights (if any) of any parish, or of part of a parish, situate without the City of London, or of any inhabitants thereof, in the charity property and endowments, subject to this Act, or in the income thereof." That is not found in the Public Bill, and the special necessity for it is this: In the border parishes, such as St. Andrew, Holborn, St. Sepulchre, St. Botolph, Bishopsgate, and in Cripplegate, there are parts of those parishes lying outside the boundary of the City of London, and in those cases, and I think also in Aldgate, there is money expressly belonging to a part of the parish which is outside the City of London, amounting to thousands of pounds per annum. One of those parishes, St. Luke's, Middlesex, is represented here by Petition, in order to save those rights where the income amounts to 2,500 *l.* a year, which belongs especially to St. Luke's. Similar rights are existing on the part of the other parishes I have named, and should be saved from a Bill intending to deal only with the City parochial charities.

37. Mr. *Roberts*.] Will you tell the Committee the income of the charities affected by Clause B.?—In St. Andrew, Holborn, the return gives the income at 5,000 *l.*, roughly.

38. Mr. *Bryce*.] That is one of these parishes?—Yes.

39. Mr. *Baring*.] How much of that is outside?—I cannot tell you.

40. That is the whole point?—Yes. In St. Sepulchre, the income is 4,361 *l.*, of which a large portion, though I cannot tell you exactly the amount, belongs to the outer part of the parish outside the City. In Cripplegate, which I happen to know about myself, the income here is returned at 10,000 *l.* a-year, of which certainly 3,000 *l.* a-year belongs to St. Luke's, either under the original donations or by virtue of the Scheme which took effect in January 1868.

41. Mr. *Roberts*.] Is not St. Luke's also interested in what are termed the joint parochial charities?—That is the very interest I am now describing.

42. Has it not separately an income of 3,000 *l.* per annum?—No; but all the interests of St. Luke's arise out of the joint parochial charities.

43. Do they not represent a sum of 6,200 *l.* per annum?—No, not so much as that.

Chairman.] Who do you represent?

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[Continued.]

Mr. Roberts.] I represent the parish of St. Luke.

Chairman.] Then the proper time has not come for your cross-examination.

44. Mr. Claude Baggallay.] I thought it might facilitate matters possibly if I did not interrupt my learned friend; but I think Mr. Pearce had better go on straight through with the clauses, pointing out the material differences, and the reasons for them?—The provision as to annual public audit in Clause D. of Section 12, as has already been mentioned, is recommended by the Royal Commission on page 12. In Clause 12 of the City Bill there is a second sub-section A. as to the application of the ecclesiastical charity property, which brings out another great distinction between the two Bills. The City Bill only affects so much of the income of the charity property as is surplus. That has been enlarged upon by Counsel, so that I need not do more than just mention it. It is not intended in the City Bill anywhere, nor is there any provision to interfere with the present management of the charity property which is confined to dealing with income and surplus income. In dealing with the Ecclesiastical charity property in Sub-section B., the power proposed to be conferred upon the Commissioners is to apply the income, in the first instance, for such purposes as may be fitting and proper for the due fulfilment thereof, and these words seem to be more in accordance with the language of the Royal Commission, than the plan proposed in the other Bill. The same remark applies to the clause for the destination of the general charity property. It is only that it should be for such purposes as may be fitting and proper for the due fulfilment thereof in the existing parishes. In the schemes to be made for the new governing body pensions are proposed amongst the objects of the City Bill, not that they should be necessarily preferred by the Commission, but that such provisions should not be excluded from their consideration. There appears to be no power in the other Bill to grant pensions at all, however desirable they might happen to be. At the end of that same clause, Clause 12, is a special matter, to which I must ask your attention: "In any scheme relating to the Ecclesiastical or general charity property of any parish, provision shall be inserted securing the benefit of the foregoing objects preferentially, in the first place, to any resident inhabitant of such parish, and in the second place, to any resident inhabitant of the City of London."

45. Chairman.] Why is that given?—The trustees were rather forced into that particular clause by the action of the Public Bill. The Public Bill separates the City parishes into two Schedules, and does not propose materially to interfere with the charity property or management in five of the largest parishes, and the result was a kind of division of interest amongst the City parishes, and we were unable to get the adherence of all the parishes to one general scheme without giving them the opportunity of sharing for their poor; and they have very many poor, far more than their charities could deal with; first of all, in the surplus which might arise in the inner circle of parishes mentioned in the Second Schedule; and that preferential claim on the part of the outer parishes, and on the part of all the parishes in the City to share in the City parochial property has been pressed upon our attention very urgently by the parishes who have more poor, and far more poor than they have charity at their disposal. That appears from, and you have before you, the Pauper Returns, City of London Union, which form part of the Royal Commission.

46. Mr. Macfarlane.] Then I suppose the trustees base their claim on the ground that these are City parochial charities; but is it not the case that when these charities were mostly founded, "the City" did not bear the interpretation it bears now; it represented, probably, nearly the whole of London?—I should think not. These charities, to a large extent, have arisen between 1500 and 1700; and at that time the City did not represent the whole.

47. Except, perhaps, the City of Westminster, probably, very nearly the whole?—Well, that is a very large exception.

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[*Continued.*]

48. *Chairman.*] That is, perhaps, rather more a matter for argument than evidence?—Clause 13 has been inserted in the City Bill to give the Commissioners power to borrow money on the security of surplus income. The object of that particular clause was this: as some of the objects intended to be accomplished, namely, open spaces or educational matters, would involve the immediate outlay of large sums of capital if the Commissioners had only surplus income to deal with, or, to a large extent, only surplus income to deal with, they would be unable, without borrowing powers, to raise the money for the purpose either of making open spaces, or of building any institutions which they might determine were the best modes of dealing with the charity property. It seemed as if the schemes of the Commissioners would be unworkable unless there was power to borrow money for those purposes. It is practically a mode of capitalising the income. Then Clause 14 of the City Bill corresponds with Clause 16 in the other Bill, but the difference is this, that the City Bill requires the consent of the governing bodies in providing for the union of governing bodies of any of the parochial charities. The consent of the governing bodies here is not like the consent to the union of benefices where a large number of different consents have to be obtained, and where it is extremely difficult to do anything, but simply the consent of two or three individuals who happen to be the administrators of different charities in the same parish or adjoining parishes. So that there will be no serious difficulty about the consent of the governing bodies, as there has been in the union of parishes ecclesiastically. It will be within the knowledge of all those who have read the Report of the Royal Commission that the union of City parishes, ecclesiastically, has been very extensive, in spite of the notorious difficulties that exist in the way of those unions. The Public Bill gives no opportunities to the trustees either to consider whether they will be joined with any other governing bodies or not, but by a mode which might be called arbitrary, gives the Commissioners power to join together any bodies they please without any consent being asked or any investigation on their part whatever. The City trustees think it is important there should be no union of existing governing bodies without their consent being first obtained. Clause 16 in the Public Bill also seems objectionable, because it proposes to transfer to the new governing body the control and management of charity property, which would practically have this effect; that the Commissioners might turn out all the existing bodies of trustees, and transfer their affairs entirely to other individuals, without any conference at all with the existing governing bodies. I am not supposing they would do so, but they take such large power as at any rate to enable them to do so. In the City Bill there is no clause answering to Clause 17 in the Public Bill, and it was purposely omitted because that clause seemed to be much too wide. It is a clause by which the Commissioners may provide for other objects than those that have already been specified, and under that particular clause the Commissioners might do anything they pleased with the charity property, and devote it to any objects they liked in any way. It gives almost uncontrolled arbitrary power over the whole body of the City parochial charities. That was thought to be very objectionable, and we were obliged to omit that from the City Bill. Then, not to trouble you with the clauses to which we have no particular disagreement, Clause 16 of the City Bill tallies with Clause 19 in the Public Bill. That is a very important clause in the view of the City Trustees. It is a clause by which endowments or schemes less than 50 years old are not to be effected without the consent of the governing bodies. The corresponding clause in the Public Bill only provides that endowments less than 50 years old in their discretion shall be exempted from the operation of the Act, and that seemed far too sweeping a clause to be allowed to pass unchallenged, although everyone seemed so anxious to agree, as far as possible, with the Public Bill. It seemed particularly necessary that all schemes of less than 50 years in date should come under the consideration of the Commissioners, and not be affected unless the governing bodies were ready to consent to variations, and I think the fairness, or indeed, necessity, for some such provision as that is evident. Schemes that have only just passed the Charity Commissioners, schemes that have only just passed the Endowed School Commissioners, and have very recently

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recently had the sanction of the Court of Chancery, cannot all be set aside without some consideration, and some opportunity for the governing bodies themselves being heard upon the matter.

49. *Mr. Baring.*] The words are without their "assent," not without being heard?—Their assent will come immediately upon the necessity for any reform being apparent. The word "assent" is intended to show that they must be consulted about the matter, and that they must be heard, and their views to some extent considered, at any rate.

Mr. Bryce.] That was not the question put to you by the honourable Member. The question is whether the Public Bill does not give them an opportunity of being heard.

50. *Mr. Baring.*] What I wanted to draw attention to is the provision that it shall not apply to any charities for which any scheme has been sanctioned within 50 years, except with the assent of the governing body of the charity?—It is in the City Bill.

51. That does not mean their only being heard against the scheme, but they shall absolutely have a veto?—They will have a veto absolutely.

52. So that it would take out of the Commissioners' hands the 40,000 £ a-year you spoke of as being the annual income of certain schemes recently sanctioned?—Unless the governing bodies were satisfied it was necessary to do so; and they have always shown themselves willing in all those matters, and there are cases mentioned in the Royal Commission where the governing bodies themselves, having a Scheme, have gone again for another scheme.

53. It would take it out of the power of the Commissioners, and refer it to the power of the governing bodies?—So far, unless there was an assent. Then we come to the procedure for approving schemes, which is a matter in which Mr. Freshfield is very much interested, and had been long before the charities of London were the subject of a Bill at all, or of a Commission, and there was some inquiry made by him at the Home Office, at the time when Sir Richard Cross was there, on the matter. When the Royal Commission was first of all originated, and the City Charities were then active in these matters, they were consulted in some way about the particular suggestions as to the mode of approving schemes, and our plan of approving schemes was the result of an opinion of Counsel particularly skilled in such matters, taken before the Royal Commission was appointed. However, that is a matter for Mr. Freshfield to explain about more at length than I need trouble you with. That deals with all the Clauses relating to procedure for approving schemes.

54. *Mr. Claude Baggallay.*] I do not think you have any remark to make about the next few clauses?—Until we come to Clause 26 there is nothing to be said, because as to the intermediate clauses we are at one with the Public Bill and with the Royal Commission. Then Clause 26 was a clause inserted in the City Bill giving the Commissioners power, in certain cases, to order the transfer of property to the new governing body. That is drawn, as we venture to think, far more in accordance with the language of the Royal Commission than the corresponding provision in the Public Bill. The language of the Royal Commission on that particular matter is to be found on page 10, where they point out that, as long as the properties in the City can, "in accordance with the letter and spirit of the bequests, be employed for the purpose contemplated by the founders, there would seem to be no sufficient reason for depriving their present administrators, subject always to strict supervision of the right of dealing with these funds, provided that no injury to the general interests of society as at present understood, results from such dealing." Then, on page 11, they desired that in making alterations in the destination of the funds, regard should be had as much as possible to the intentions of the founder. They also explain, on page 11, that where the entire income of the charity is to be administered by the Board, the estate or capital fund should pass to the Board; the Board meaning there the new governing body which they proposed, "Where a portion of the income is to continue in the present hands for administration," which is entirely this line of action, "it should be at the option of the present trustees to

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retain or transfer to the Board," the new governing body, "the estate or capital fund." So that the City Bill follows out the line of the recommendation of the Royal Commission most clearly, and taking, first of all, surplus income in all cases, they take away, with the consent of the governing body, all the estates and capital by this Clause 26, and property and endowments "where there has been a complete, or," going again by the language of the Royal Commission, "or substantial failure of the objects for which the sum is, applicable within such parish." That line of dealing with the charities seemed far preferable to the line adopted in the Public Bill, which is explained in the Memorandum we have had the benefit of, and which is to leave the five parishes practically out of the operation of the Bill, and to deal only with 106 parishes. Our plan was to deal with the whole of the City, to take the surplus income from the whole of the City, and to take over the capital and the endowments themselves in all cases where there had been a complete or partial failure of the objects. There is a Clause 35 in the Public Bill giving a power of sale of charity property and to invest the proceeds. There is no such provision in the City Bill, and it seemed to the City trustees, in considering that clause, it was too large a power to ask for, and that there was really no occasion for it. There is no difficulty, as all those who have had experience in the actual management of charity property know, in procuring the sale of any part of charity property with consent of the Charity Commissioners; and if that power of the Charity Commissioners devolves upon the present proposed temporary Commission, there will be no difficulty in any sale of any part of the charity property where that is desirable; but, in point of fact, the increase in the value of the charity property in London is due to the fact that it has not been sold, and the proposal to convert the property simply into money is to extinguish that increase from 117,000 *l.* a year to 200,000 *l.* a year, which is to be expected from the more energetic management which is described in the Memorandum. If this Clause 35 in the Public Bill were energetically put in force there would be no further increase at all in the surplus income or growth in the value of the properties belonging to the charities, if they were all turned into money, unless they were first re-invested, which is, of course, not contemplated. The next clause in the City Bill that need be noticed is Clause 28, where we have omitted the provision in the Public Bill as to the payment to any parish official of any salary or remuneration. I only want to call attention to that so that it might not be overlooked.

55. Mr. Bryce.] You had better read those words:—The clause in the Public Bill is that the persons acquiring interest after the passing of the Act shall be subject to schemes. Then the concluding words are, that "after the passing of this Act no charity money shall be applied to the payment of any poor rate, or other rate, or public charge whatsoever"; and then these are the words in question: "or to the payment to any parish official of any salary or remuneration, except so far as he may be entitled to receive the same in respect of duties actually performed in connection with the services of the Church, or of services actually rendered on or about the management of any parochial charity, or of duties actually performed in connection with public worship in the church of the parish." I venture to say, from the knowledge I have acquired of these matters now for some time past, that there is no one paid money out of the charities except in respect of services that are performed, and there is no occasion for that clause at all.

56. Mr. Claude Baggallay.] The constitution of the new Governing Body, is, I think, the next matter; and those are Clauses 33 and 42 respectively?—I propose to leave the question of the constitution of the new Governing Body entirely where the counsel left it, except to say, that the City Trustees feel that their management of the property hitherto, so far from being blameworthy, has been so creditable that they are entitled to be considered as persons who have distinguished themselves in the administration of charity property, and that the greatest possible benefit will result to the new Governing Body by having a large proportion in it of those who have hitherto managed the greater part of the parish property with zeal and discretion, and certainly without

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[Continued.]

without remuneration for a long series of years. I think I will leave that matter entirely where the Counsel left it as to the general constitution, but I should desire to point the attention of the framers of the Public Bill to one or two small matters that might otherwise be overlooked. The Royal Commission recommended that the 15 members should be chosen by ballot, and should be only elected in the proportion of one to each parish by the electors on the Parliamentary Register. That is unworkable for the reason pointed out by Counsel, and because the Parliamentary Register includes liverymen and lodgers, and in dealing with those matters with a desire to secure an effective representation, the City Trustees thought it better to have recourse to the ordinary municipal list which there is in each ward for the election of common councilman, and which consists of the rated inhabitants of the parishes, as being a better list than the list proposed in the Royal Commission. The Royal Commission, moreover, made a suggestion of choosing by ballot from the representatives of the City parishes, which seemed very unworkable, and in considering how an election could be had which should be representative, and yet not only represent the ratepayers but also the trustees, the City Trustees thought it would answer every purpose if the fact of being a trustee of a parochial charity should be the qualification for election; that that circumstance of itself would be sufficient to designate the party as a proper party to serve upon the new governing body. There is an idea prevalent, which I think is expressed in the Memorandum, that the trustees reside in London, which means that they live in the City. All I can say as to that is this, and it is a matter of evidence, and not merely a matter of opinion, that not more than one or two of all the trustees of the charities that I have had to consult with in this matter live in the City. They all live out of the City. All the witnesses here concerned in this matter live out of the City, and they are quite as able from their general dealing with parochial matters and with district boards and vestry matters outside the City of London to represent the outer area as they are the City itself.

57. I do not think there is any more comments you wish to make on the clauses of the Bill; do you wish to refer to Clause 40 of the Private Bill?—I think nothing more need be said by me until we come to the definition of a governing body in Clause 40. It should be pointed out there that the governing bodies whose consents are required, can now, by the present condition of the law, give their consent if a majority of the persons composing that governing body are willing to do so.

58. Mr. Bryce.] Are you taking the definition of governing body in the Private or the Public Bill?—In the Private Bill, and accounting for the addition which has been made to the definition in the Public Bill by the Private Bill.

59. Then would you give your explanation again?—The majority of persons constituting a governing body could now, as the law stands, give a sufficient assent to anything that is required for any charitable purpose, and it is convenient to express that in this Act, so as to put it beyond a doubt that where assents are required of governing bodies it can be obtained from the majority of those persons. As it is not well ascertained and covered by the Public Bill it would be better to insert it.

60. Did you get the advice of Counsel that there was the slightest doubt as to the effect of the definition in the Public Bill?—I think we took our own counsel on that point.

61. I wanted to know whether it was the advice of Counsel, or your own idea?—Certainly. Then as to the definition of the word "Metropolis," an important suggestion is made in one of the Petitions to which, I think, I am entitled to say the City Trustees do not object. There is a Petition presented by the City of London asking that the definition of the word "Metropolis" should be that which obtains in the Metropolis Local Management Act. It has this great advantage, that it is the same Metropolis that is governed by the School Board area, and it is the same Metropolis which contains the Parliamentary boroughs. The metropolitan police area, which is mentioned in both the Bills, was the old definition of the Metropolis before any Metropolitan Local Management Act was thought of, or, at least passed, and it is an inconvenient definition of the Metro-

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polis. The Metropolitan police area means a radius of 15 miles from Charing Cross; and if any part of a parish is within that area, then the whole parish is brought within the Metropolitan police area. And I think we should be prepared to agree, if the Promoters of the Public Bill see their way to do so, that the definition suggested by the Corporation is the better one for the purpose of this Act, namely, the same area as the School Board, the same area as the Parliamentary boroughs, and as the Metropolis Local Management Act; those three being alike now.

62. Do I understand you to say that the wish of the Promoters of the Private Bill is to substitute the definition suggested by the City for the definition which now stands in Section 42 of their own Bill?—I think they would be prepared to agree to that if the Promoters of the Public Bill would do so.

63. I should like to know definitely, is it their suggestion or not?—I have no authority to say that beyond my own opinion of their views. There is only one other thing to be mentioned, and that is, that in the Schedule of the Public Bill the parish of St. Bartholomew's, Moor-lane, has been omitted, and to prevent any question about the Act affecting that parish we put it in the Schedule to the City Bill. I think that is all I need say on the Clauses of the Bill.

64. Mr. *Claude Baggallay*.] Are the criticisms you have made on the clauses of these two Bills, in your opinion, consistent with the opinion of the great bulk of the trustees of the City Charities?—Undoubtedly.

65. You have attended nearly all the meetings that have been held in the City, and know what has been the feelings expressed?—Yes, I have.

66. *Chairman*.] Is there a standing committee of these trustees?—There is now. The action which has been taken in Parliament has had the effect of bringing all the trustees together, and an executive committee, who are actually the Promoters of this Bill, has been constituted out of the bodies of representatives that were appointed by each of the parishes.

67. Are you directed to represent them here in any way?—I am. I am secretary to the executive committee. It is an executive committee consisting of the 18 persons who signed the Petition for the Bill.

68. Mr. *Walter James*.] Would you mind giving us the official name of it; what is the body you represent exactly?—The executive committee of churchwardens and trustees of the Parochial Charities of the City of London and other gentlemen holding representative positions promoting this Bill. It has no more formal constitution than that.

69. Who are the other persons holding representative positions?—Do you mean the names of the persons?

70. Yes?—I can furnish you with a list; I have not them with me at the moment.

71. Is it the desire of the trustees generally that this matter should be settled this year?—I believe they are very anxious indeed that some scheme based upon the Royal Commission should be passed into law this Session, and they would do anything that was reasonable and that could be expected of them to promote the passing of an Act based upon the lines of the Royal Commission, and I think we are entitled to express that anxiety. One great reason for it is, that the present condition of things stops all the schemes and all the reforms which the trustees themselves have been promoting for some time past. I may mention that in the parish of Cripplegate, for instance, there has been a proposal now for some time to reform two or three charities there of considerable income, and to erect another school out of the surplus; but that is stopped because of this difficulty about what is to be done. The same thing has been experienced by several other parishes, and the state of agitation we shall be glad to get to an end, and all that has been done in this matter is voluntary effort on the part of the trustees.

72. Mr. *Claude Baggallay*.] You have seen the Memorandum regarding this Bill prepared by the honourable Member for the Tower Hamlets?—Yes.

73. Have you any remarks to make upon that?—Only I think the estimate of the expenses, which is called there 10 per cent. of the total gross income, is very

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very much larger than its real fact. Of course that is a matter for inquiry, but the salaries paid out of the charities would not warrant any such average statement as 10 per cent on the gross income.

74. Mr. Bryce.] Is that estimate confined to salaries in the Memorandum? —The 10 per cent. goes in paying salaries, legal expenses, costs of feasts, and refreshments, and other similar charges incidental to the administration of charity property. I venture to think that that is very much too high an estimate, including all those items.

Mr. Law.] Sir, I appear on behalf of the Corporation of London, and I propose to ask Mr. Pearce a few questions bearing upon the allegations in our Petition against the Bill.

Chairman.] What is the nature of your Petition?

Mr. Law.] It is against this Bill. We object to the definition of the word "Metropolis" given in the Interpretation Clause, and in the course of the Preamble also. The witness referred to that question just now.

Chairman.] Is not that a matter of detail. It does not really affect the principle of the Bill.

Mr. Law.] I do not wish to press it now, but we have petitioned against the Preamble, and as the witness has mentioned the subject, I can reserve it till another time.

Chairman.] You have petitioned against the Preamble, but the Committee will give you an opportunity of being heard on the clauses later. It seems to me your case is really one of detail, and would be better dealt with at a later stage. We will therefore give notice to your clients when the proper time will come for your being heard. I suppose, Mr. Roberts, your position will be the same. Your opposition is one of detail. You desire to be exempt, I presume?

Mr. Roberts.] I only claim exemption on behalf of the parish of St. Luke's.

Chairman.] The Committee will deal with your case in the same way as with the case of the Corporation. They will give you an opportunity of being heard at a later stage.

Mr. Roberts.] Can you tell me whether it will be necessary for us to attend *de die in diem*.

Chairman.] I certainly think not. It would not be desirable that your charity, if you do represent a charity, or if your expenses are paid by the charity, should be put to the expense of your attending here. The Committee will give notice to your clients when the proper time comes, and until then I do not think we need ask your attendance. The honourable Member for the Tower Hamlets is under the impression that you are within the Saving Clause, and that your charity is not really affected by either Bill.

Mr. Roberts.] Does the honourable Member mean Clause 14?

Mr. Bryce.] I will tell you what I mean. I wish to know whether, supposing it was indicated to you that the Saving Clause in both Bills directed your vested interests in the parish of St. Luke's to be saved, you would consider you might dispense with your opposition.

Mr. Roberts.] I think we might. Our anxiety only is that the sums reserved to us under the scheme of December 1877, should be clearly exempted from the operation of the Bill; and further, that if out of the joint charities of Cripplegate there would be any surplus, instead of its being devoted to the Metropolis at large, it should be devoted to the parish of St. Luke's, which, with St. Giles, Cripplegate, formerly constituted one parish until it was divided in the year 1732, as I will explain to the Committee. I think our request is a very moderate one.

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[Continued.]

Mr. Bryce.] I do not know whether your attention has been called to the fact that St. Giles's, Cripplegate, is within the First Schedule of the Public Bill. Does that make any difference to your view?

Mr. Roberts.] I have considered that in the light of the provisions of Section 14, but I do think I should be justified in saying that the opinion of the Promoters of the Bill should be taken as to the mode in which the Commissioners should afterwards determine with whom the ultimate decision must rest.

Mr. Bryce.] I did not intend to express an opinion; but I ask you to look at the thing as a lawyer, and say whether you know any interest which it is necessary for you to protect, looking at the fact that St. Giles's, Cripplegate, from which you derive your income, is in the First Schedule of the Public Bill, and looking also to the saving of vested interests in the Public Bill, I may call your attention to the interpretation of the clause of the Private Bill, which provides that the word "person" shall include any body of persons, whether corporate or incorporate. The provision that saves the vested interest of any person would therefore save the vested interests of any parish, and therefore I merely call your attention to the fact that there is that saving clause, and ask you to consider whether it will be necessary for you to attend further.

Mr. Roberts.] I am at one with the honourable Member as to that definition; but my difficulty is this, on the other definition which is more important, namely the definition of what is a vested interest, and whether it is so precise as to justify my clients in assuming that the vested interests they have are preserved by the terms of the Bill. I am inclined to think they are not.

Chairman.] Perhaps you will consider that point between now and the time the Committee will be in a position to hear you.

Mr. Roberts.] In the meantime I need not attend. I may also ask you on behalf of my absent friend, Mr. Jeune, whether that direction of the Committee will apply to the other parishes he represents.

Chairman.] Yes, certainly; I think it is most undesirable that they should attend *de die in diem*.

75. Mr. Firth.] Now I should like to ask you about the representative position you occupy here; you say you represent 86 parishes?—Yes.

76. Do I understand you that all the trustees of those 86 parishes have given in their adhesion to these matters the City are bringing forward?—Yes.

77. All the trustees?—Yes.

78. Has that been done in writing?—In various ways.

79. With regard to how many of them has it been done in writing?—I cannot tell you; some of them.

80. Mr. Baring.] I suppose when you say all the trustees, you mean the majority of all the trustees?—Certainly. I mean as far as we know they have chosen their representatives.

81. You are bound to know?—No, I cannot be bound to know.

82. Mr. Firth.] You are assuming a certain position, namely, that you represent 86 parishes; I am not asking the question without exceedingly good reason. I ask you whether you are prepared to state, taking the honourable Member's suggestion just now, that the majority of the trustees in each of those parishes have consented?—As far as I know.

83. That is not an answer?—I do not know.

84. Are you prepared to state that the majority of the trustees in behalf of those parishes have consented?—When I say I do not know that covers all the ground.

85. I must draw your attention to the suggestion which you make in this inquiry; you say you represent 86 parishes that have consented?—So I do.

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86. I am speaking of the trustees of those parishes in whom the funds rest. Are you prepared to say that the majority of the trustees of 20 of those parishes have consented?—I say I do not know.

87. Is there anybody who does know?—I should think not.

88. Then on what ground do you make the assertion that you represent the trustees of those 86 parishes?—Because they have signified their assent, and paid their subscriptions to the funds for carrying on this Bill. We have subscriptions from the charities I have mentioned.

89. *Chairman.*] From the charities?—From the trustees. Whether they are from themselves or their charities I can hardly tell you, because I do not know.

90. *Mr. Firth.*] You cannot say anything with respect to the consent except so far as it is to be inferred?—I know they were invited to send their representatives, and did so, and that the meetings have been attended by the trustees of the parishes, at each of which each gentleman attending has come as the representative of the charity of his parish, and they have subscribed.

91. You have put considerable pressure on the proportion of representation which you believe is behind it. I want to test the value of that?—The best test is the subscription list.

92. Is it, then, upon the subscription list that you rest your claim?—Mainly.

93. Are you prepared to say that the trustees of each of those 86 parishes have contributed towards this?—No.

94. In how many have the trustees contributed?—I cannot tell you at all. I do not know where the money came from. I only know that the individuals sent me money who claimed to be representatives.

95. Have the trustees of the City parishes contributed towards this Bill and this proceeding?—I cannot tell you.

96. Did you inquire whether any of them have?—Yes, I did.

97. Can you tell me on what basis the trustees of those charities claim to appropriate money for that purpose?—I do not know that they have made a claim to appropriate.

98. On what basis do they appropriate trust money to this particular purpose?—On the same basis that they would pay the expenses of getting a scheme from the Charity Commissioners or from the Endowed School Commissioners; the basis is that they are seeking a reform of their charities, and that the reform of the charities should bear the expenses of the necessary steps for the purpose, and this cannot be done without application to Parliament.

99. Have they represented the Public Bill as being an attack on the charities?—Whom?

100. Those who are collecting subscriptions for this work?—I cannot tell you what they have represented. It is asking me too much to say what representatives have said in all the course of time. This agitation has been about two years.

101. You are very wide of my question. I asked you whether those who were collecting these subscriptions had, to the persons from whom subscriptions were asked, represented that the Public Bill was an attack on their interests in these charities?—I cannot tell you that now. I do not remember that that was so, but I think it is very likely; some of them, I have no doubt.

102. That you believe is so. Before I leave this I should like to ask you. I am sorry you have not more information about it; about the meetings that have been held. Was the first meeting that was held in the City in support of these propositions a public meeting?—They were none of them public meetings, save so far as that they were reported in the public papers.

103. Who were invited to the first meeting?—I cannot tell; Mr. Freshfield invited them, and I do not know when the first meeting was, but long before the Royal Commission. The first meeting of churchwardens concerned in these charities was held long before the Royal Commission.

104. But you know that was not a meeting of churchwardens of all the City parishes; when was the first meeting held after the introduction of Mr. Bryce's Bill last year?—I do not know the date at which Mr. Bryce's Bill of last year was introduced.

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[Continued.]

105. How many meetings were held last year altogether?—I think there was a meeting of the 30th of April 1881, held at the Cannon-street Hotel, which was after the date at which the honourable Member's Bill was introduced.

106. That was the second meeting?—I think that was the first; that was a conference of churchwardens and others connected with City parishes.

107. Who were invited to that meeting?—I cannot tell you; but I could tell you the names of those who were there.

108. That is not what I wish to ask you?—They were churchwardens chiefly.

109. And trustees?—And trustees.

110. Were you there?—Yes, I believe I was there. I have no doubt I was.

111. Mr. *Walter James*.] Was there anybody else besides churchwardens and trustees?—No; churchwardens and trustees.

112. No vestry clerks?—I was there, and I am a vestry clerk.

113. Then vestry clerks were there as well?—I think so, as I was there myself.

114. Mr. *Baring*.] And clergy?—There were some clergy there, I believe, but I am not sure; I see by the report there was Mr. Tilleard there, a vestry clerk, and a Mr. Godden, a vestry clerk, and a Mr. White. There were about 150 people there.

115. Mr. *Firth*.] I wanted to ask you, as you were there, do you suggest there was any sort of unanimity at that meeting?—Yes, I do.

116. Any sort of unanimity; I do not mean to say unanimity generally, but anything approaching unanimity?—I do. Resolutions were carried; we had a considerable majority in favour of certain proposals. If you mean was there anything unanimous, there never is, not even on Commissions.

117. I put that question with a view to the way you have put your case. Has any other meeting been held since then to which churchwardens and trustees have been convened?—Yes, several.

118. In which all the churchwardens and all the trustees have been convened; that is my question?—The representatives were convened after that meeting.

119. That is not my question?—I will explain it to you

120. Has there been any other meeting held to which all the churchwardens and all the trustees have been convened?—There never was such a meeting as you describe held at all. At the meeting of the 30th of April one of the resolutions carried was: "That this meeting approves of the formation of a committee, consisting of one churchwarden from each parish, to be selected by such parish, with power to add to their number, and to associate with themselves persons interested in the City, with a view to considering the best method of providing by legislation otherwise for the administration of the City parochial charities upon a more extended basis." That was carried, and the representatives came after that.

121. Now you have read the resolution, are you not aware that a good many people were there representing large City interests who entirely objected to it?—Yes, some few did, but the majority were largely in favour of the resolution.

122. How came this representative body constituted that you have told us of?—The parishes and churchwardens and vestries were invited to appoint representatives.

123. By circular?—By circular sent to the vestries, to the churchwardens, and to other persons. You must recollect there was hardly anybody knew each other about these City charities at this time. At that time, and until the publication of the Royal Commission, the trustees of the City Charities were in a state of isolation, and hardly knew each other, and it was very difficult to get, except from the records of the Royal Commission, any complete list of churchwardens and trustees.

124. How many parishes have sent representatives; 86?—I cannot tell you.

125. Have

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[Continued.]

125. Have you the names of the representatives of the different parishes that you say have consented?—I have names.

126. From how many of the 86 parishes have you names?—I should think all the 86. I speak of the 86 as those whom I am representing; therefore they are all represented in some way or other. Not necessarily represented by meetings, or by circulars sent to them.

127. My question is a direct one; namely, from how many of the 86 parishes have you the names of nominated and elected representatives?—I cannot answer the question.

128. Have you the names of nominated and elected representatives from 40?—I cannot tell you.

129. Have you the names of nominated and elected representatives from 20?—I do not see the object of asking me that question.

130. Kindly allow me to judge the object of the question?—I protest against it.

131. Having protested, will you kindly answer the question?—Then I shall have to appeal to the Chairman. I have already said I would give the honourable Member for the Tower Hamlets a list of the representatives I represent, and I think asking me questions about that before I get such a list out is a little oppressive.

132. Can you tell me how those that are said to be representatives were elected; was the same line pursued in all cases?—I can tell how it was done in my own parish, but I cannot tell you how it was done in any other parish in the City, because I do not know.

133. Are you able to say whether, or not, the nomination was simply made by, say, the vestry clerk, in some of the parishes?—I should think it was never done by any vestry clerk.

134. Do you know whether it was done at a meeting?—How can I tell; I do not know what they did in other parishes; I know what they did in my parish, and in that parish the vestry appointed Mr. Cornelius Gillett to attend their meetings, and he was appointed on the executive committee, and is here to give evidence, and I expect it was done in a similar way in all the other parishes.

135. We had something said by Mr. Littler with regard to the interests for which vestry clerks should be compensated, namely, for leases. Will you explain to the Committee what that is?—The vestry clerks usually, where they are acting as clerks to the charities, prepare the leases of the charity property, which expenses are borne in all cases by the tenants, according to the custom of London, and therefore those expenses do not fall in any way upon the charity property, neither do they diminish the rentals.

136. Do you say that is a proper matter of compensation in case the vestry clerks ceased to be the clerks of the charities?—I should say so, most certainly. Practically, it would deprive some of them (it does not affect me personally so much), of their living.

137. Now, upon Clause 10 I see you state that some of the present property was only charitable in point of law?—Yes.

138. Would you kindly tell me, or illustrate your proposition by classes of charities which you say ought not to come within the purview of this Act?—I think they are charities that are indicated in the Report of the Royal Commissioners. On the sixth page of the Royal Commissioners' Report there is this statement: "We found, as above-mentioned, that though classed as charities, in some instances those estates are claimed as the absolute property of the parishes to which they are asserted to belong, and applicable to any purpose to which the parochial authorities may think fit to devote them." That class of charity is covered by what I mean.

139. Would not the effect of this clause be to preserve the control over that class of charity in the parish?—I think not. I think it is not intended to have that effect.

140. What is the effect that is intended?—To enable properties to be applied to other than those strictly charitable purposes, where occasion requires it, and where the charities require it.

141. I want to ask you a question with regard to what you say about the application

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[*Continued.*]

application of these funds. Mr. Littler said that the view of the City was rather in favour of their being applied for education?—I think there is a great body of opinion in favour of that mode of applying them.

142. Would you indicate to us what form of education the body of opinion of which you speak is in favour of?—I think the establishment of schools for a class immediately above those for whom School Board schools were intended. and a class of schools which would certainly be known not to be Board Schools, As an illustration of the school I mean, there is a school which has recently been erected out of the surplus funds of Cripplegate, in Mare-street, Hackney, out of the surplus of Lady Holles' Girl's School Charity, where the parents of the pupils pay from 4 *l.* to 6 *l.* a year for their tuition; the charity having found the entire cost of the building. That school is a self-supporting school, and similar schools would be a great boon to the metropolis.

143. You are familiar with the provisions of the 30th Section of the Endowed Schools Act of 1869?—I think I know what you refer to.

144. That where charities have failed they may be used for educational purposes?—Yes.

145. Should you say that the body you represent would object to the application of funds from these charities for the purpose of technical instruction or industrial education?—Technical or industrial education, studied by the new light thrown upon it which has come out of the north country, but not technical education as it is now understood in London, which has been tried notably in Leeds in connection with the Yorkshire College, and there they have been obliged to modify their form of technical instruction, because what is usually understood by that has been found to be a failure amongst the practical manufacturers in the North.

146. I am giving you a condition precedent to the establishment of an organised system of technical education?—I believe there would be a considerable body of opinion in the City favourable to such a course.

147. But I understand you to say that that body of opinion object to the funds being used in any way for the lessening of the School Board rate?—I think so. I think they would object to that.

148. Even although the charities themselves had their origin in a desire to benefit the poor?—Yes, I think so.

149. Mr. *Jackson.*] You mentioned Leeds just now, and said the Yorkshire College people had to modify their forms; can you say in what way?—No; I cannot tell you precisely. I only speak of a kind of rumour I have heard; loose kind of information; it is not definite.

[Adjourned to Tuesday, at Twelve o'clock.]

Tuesday, 28th March 1882.

MEMBERS PRESENT:

Mr. Baring.
Mr. Bryce.
Mr. Corry.
Mr. Cubitt.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.

Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Mr. Arthur Peel.
Sir Matthew White Ridley.
Mr. John Talbot.

The RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

THE *Chairman* stated that since the last meeting of the Committee he had consulted the Speaker and Sir Thomas May, with reference to the difference between a Private Bill and a Public Bill, when it left a Committee. They informed him that in the case of a Public Bill which had passed through a Select Committee, when it came to the House it was in the possession of the House, and though it was not a matter of necessity that a Member whose name was on the back of the Bill should move its further proceedings, yet it was competent for any person to do that, and it not unfrequently happened that Bills came from Committee remodelled and amalgamated with other Bills, with no names whatever on the backs of the Bills.

Mr. O'Hara stated that that was entirely his view.

Mr. Robert Pearce, re-called ; and further Examined.

150. Mr. Firth.] Do you put in a list of the Promoters of this Bill?—Yes, as showing their representative character. (*The same was put in.*)

151. With reference to the representative character of those who support your Bill, I would ask you, have you read the report of the committee of Sion College, which has been accepted by the Fellows, upon these Bills?—I think so ; I cannot remember.

152. I will draw your attention to one paragraph, and ask you whether this is in accordance with the fact. This report has been adopted, I understand. "The London Parochial Charities Bill seems further objectionable to your Committee, inasmuch as it represents itself as being a Bill which the trustees generally have agreed together by representatives properly chosen, to draw up, and to submit to Parliament as a satisfactory solution of a vexed question. Whereas not only has a whole class of trustees, the rectors and vicars of the various parishes of the City of London, who are *ex officio* trustees of many of these charities, and elected trustees of others, been ignored in the preparation of the Bill, but the number of parishes in which the lay trustees failed to select representatives, and which are therefore totally unrepresented is considerable." That is the report accepted by Sion College. Is that a paragraph which is in accordance, so far as you know, with the fact?—That is an inaccurate view of the facts certainly, as I can show.

153. Perhaps it would be fair to allow you to say anything you would like to show that?—I have the list here of all the parishes which have subscribed to the fund, and I have also a list, the particulars of which are comprised in the

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[*Continued.*]

list I have handed in to the honourable Member for the Tower Hamlets ; but I can support that list by producing the returns that have been furnished to the Promoters of the Bill in all cases from the parishes, in order to enable them to instruct counsel on the Bill. That is an additional proof, beyond that furnished by the subscriptions to the Bill. I have letters in other cases from the parties representing the parishes expressing their approval of the Bill ; and in other cases I have had personal interviews with the parties which enable me, and entitle me, to say that we are representing their views on the matter. I can read over the list of all these subscribing parishes, and of the returns which have been furnished to me in the matter to enable me to instruct counsel, and that will be found to substantiate exactly what I have said about the number of parishes that we represent.

154. Those you are prepared to put in?—I have already furnished the honourable Member for the Tower Hamlets with a list that I am prepared to verify in every particular instance.

155. Then no doubt he will deal with that. I was asking, when the Committee adjourned, with reference to the appropriation of these parish funds. Have you read the Report of the Endowments Committee of the London School Board?—I have.

156. You are familiar with the suggestions contained in the Report which was adopted by the School Board itself for utilising a considerable portion of these funds ; 50,000 *l.* a year in exhibitions for Board School scholars to higher schools, and a scheme of technical schools?—Yes.

157. Can you say whether the whole, or any part, of those propositions meets with your approval, or the approval of those whom you represent?—Speaking on behalf of those whom I represent, the Report of the London School Board has hardly been considered by them at all. It has not been within their reach, I find. I doubt if they have at all considered the scheme there indicated.

158. As to yourself, I know that you have considered ; will you tell me what your own opinion is?—As to the plan of technical education, or the exhibition and scholarships?

159. Both of them ; those are the two propositions?—As to the exhibitions and scholarships, my own small experience has been that gifts for that purpose have failed in any useful result by comparison with other useful objects of charitable benefaction ; that there are not among the class intended to be reached by these exhibitions and scholarships, a sufficient number, or anything like an adequate number of persons, either able from their ability, or able from their position in life, to take advantage of the large sums of money which are now forming scholarship gifts in various parishes in the City. We tried it in Cripplegate, where we have scholarship gifts of, I think, about 100 *l.*, or 150 *l.* a year up to 300 *l.* a year, we can go. But the only case we had after three years' experience was the case of a schoolmaster who was not able to keep his boy at the City of London School, although we paid his fees, beyond a very short time.

160. I was not suggesting that you should draw your experience from the City only. Are you not aware that the scholarships which have been given in connection with the London School Board have been exceedingly successful upon the basis here proposed?—No, I was not aware of it.

161. Now, with reference to the technical schools ; what do you say with respect to that scheme?—The theoretical demonstration and the practical demonstration which are referred to in the Report have been found, as I understand, though my evidence is not of much value on that point, to be faulty in this particular : that nothing but experience in actual workshops where business is really done is found to be of any use in teaching technical matters of a practical and workmanlike sort. The scientific method in relation to technical subjects has been found very useful in the North of England ; but they have been obliged to abandon anything like technical instruction in various modes of doing work as being faulty, and not useful ; so that the School Board scheme seems to me to require some revision from that point of view.

162. You are not familiar with the successful working of such institutions on the Continent?—I am not ; but I am told by a man who is familiar with them that

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[Continued.]

that the Real schools in Germany have been found practically to fail in the particular way which I indicate.

163. Then I may take it that so far as your judgment extends, neither of these propositions would form a useful appropriation of the funds which we are considering?—They could be made useful, but not so useful, in the opinion of the trustees, as other plans of dealing with charitable money.

164. What are those other plans which, in the opinion of the trustees, are more useful?—Each man will speak for himself, I think.

165. But so far as you represent them?—So far as I can represent them, I have no doubt that the plan indicated on the last occasion is one that would do more good; that is to say, giving the charity to the children rather than to the adults, because the children have everything by donation, and giving it in the form of superior education in a class of schools immediately above the level of the Board Schools.

166. Let me draw your attention to this point in the Report of the School Board, that the proposition in respect to scholarships was simply to advance an amount sufficient to maintain a Board School child in a school immediately above it, in a higher class school. That is the same point that you are putting?—No; I propose to provide the higher school itself, and to take care that it is not a Board School.

167. Supposing this scheme were extended so as to provide a higher school, and to be for the support of children who were fit for the purpose in that school, that would meet your view of the case?—Yes.

168. Mr. Littler said something reflecting upon the accuracy of some of the facts in the Appendix to the School Board Report. Are you aware that courteous applications were made to the 106 City parishes, with schedules, asking them to send information?—I see that it is so stated in the Report.

169. Are you aware that only three or four parishes condescended to render any assistance at all?—I am. It is so stated in the Report. It appeared that those applications were entirely unauthorised.

170. Those applications were authorised by the School Board?—Only by the School Board. Where the applications were made to the trustees by another authority, perhaps not a higher authority, the Royal Commission; there the Royal Commissioners testify to the earnest and willing spirit in which evidence was given to them in most instances on the part of the parishes throughout the City.

171. The School Board represented by direct election nearly four millions of people as to City parish questions affecting, as they considered, funds in which these people had an interest. What is your meaning of the word “unauthorised”?—I think the trustees in most of the City parishes felt that the questions put to them by the School Board were not within the scope of the authority of the School Board.

172. I asked you a question just as the Committee adjourned with reference to the Endowed Schools Act, 1869. I will read you the 30th Section, so that the matter may be in a complete form. “In the case of any endowment which is not an educational endowment, as defined in this Act, but the income of which is applicable wholly or partially to any one or more of the following purposes, viz.: Dole in money or kind, marriage portions, redemption of prisoners and captives, relief of poor prisoners for debt, loans, apprenticeship fees, advancement in life, or any purposes which have failed altogether or have become insignificant in comparison with the magnitude of the endowment if originally given to charitable uses in or before the year of our Lord 1880, it shall be lawful for the Commissioners, with the consent of the Governing Body, to declare by a scheme under this Act that it is desirable to apply for the advancement of education the whole or any part of such endowment, and thereupon the same shall, for the purposes of this Act, be deemed to be an educational endowment, and may be dealt with by the same scheme accordingly: provided that in any scheme relating to such endowment due regard shall be had to the educational interests of persons of the same class of life, or resident within the same particular area as that of the persons who at the commencement of this Act are

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[Continued.]

benefited thereby. I would ask you whether the endowments of City parishes do not, to a very large extent, three-fourths or more, come within that clause?—Without accepting your proportion, no doubt a very large proportion do.

173. Would you, or those you represent, be willing that the principle laid down in that clause should be applied to those endowments?—I cannot speak for anybody but myself; in that particular I should be willing.

174. Are you aware that in the Report of the Charity Commissioners in 1877, referring to these very charities, they said that they must repeat what they had said in their Report in 1866; “The funds are in effect so far liberated by the altered circumstances of the locality in which they are applicable as to require a re-appropriation to new charitable uses; a work which may be carried out only by some special extension of existing jurisdiction by the authority of Parliament.” Are you, or those you represent, willing that they should be re-appropriated to new charitable uses?—Yes; we are here for that purpose.

175. With reference to the Clause No. 5 in your Bill, I see that it is proposed that those endowments which have been for a long period of years applied to ecclesiastical purposes, as well as those which are now stamped and impressed with an ecclesiastical character, should be applied to ecclesiastical purposes in the future. Will you tell me on what ground that contention is advanced?—Those are the words of the recommendation of the Royal Commissioners’ Report; and, moreover, many of the ecclesiastical endowments have no other title to rely upon than the application of the money for a long period of years to such uses.

176. You know that the Reverend William Rogers, in the Report to which you are drawing my attention of the Royal Commission, said that he did not agree with that paragraph of the Report, and that it seemed to him that the funds there spoken of had been applied to parochial purposes, and the gradual disappearance and diminution of other parochial objects had caused the parish church to occupy a prominent place in the schemes of distribution, but that they were still parochial, and not church funds?—Yes.

177. You are aware that the present Solicitor General held, in opposition to the other members of the Committee, the same opinion as Mr. Rogers?—Yes.

178. You say that this clause has been here inserted because of the opinion expressed by the Royal Commission?—So far as the majority of the Royal Commissioners were concerned it does accord with their Report. Those words are in the Report of the Royal Commission, in the 10th page, “To this Temporary Commission should be entrusted the classification of the charities”; and then it goes on to say that they should select such as have been for a long period of years applied to such uses, though not specifically enjoined by the will of the founder; meaning ecclesiastical uses.

179. With reference to those which are impressed with an ecclesiastical trust, do I understand your Bill to contemplate that so long as the will of the founder is exactly carried out, the surplus beyond shall also be applied to an ecclesiastical purpose?—I think that is a matter left by our Bill entirely in the hands of the proposed Commissioners.

180. In case property is left, out of which a certain sum is to be paid for a sermon, which probably you would consider an ecclesiastical purpose, would your Bill have the effect of giving the whole of that property to ecclesiastical purposes?—I think so, subject to the discretion of the Commissioners.

181. Subject to the discretion of the Commissioners as to the whole of it?—I think not; if there were a large increase in the amount of those funds; money enough to maintain a sermon would be retained, no doubt, for ecclesiastical purposes, but any increment in the value of such a gift as that the Commissioners might, I think, under our Bill, as well as under the Public Bill, apply to other purposes; that is a matter left to them.

182. Do you consider that the objects which are largely provided for in the City, of lecture endowments, are ecclesiastical?—I have not considered that matter.

183. Upon the whole question of ecclesiastical endowment, is it not the fact that a large majority of these endowments in the City go back to a date before the

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[Continued.]

the Toleration Act?—Give me the date of the Toleration Act; I have forgotten it.

184. Is not it the fact that they go back more than 200; in fact, most of them, more than 300 years?—Not most of them, but some of them; and some considerable gifts go back as long as 200 years, certainly.

185. Do those whom you represent consider that it would be a justifiable appropriation of income, that those funds which were left for the only legal church at that time should, at the present time, be applied for the purposes of a church, which is not the church of all the people?—I had better say I rather represent the educational side, and that the ecclesiastical side of the views of the Promoters will be far better represented by Mr. Freshfield, and by the reverend gentleman who understand that subject better than I do.

186. You have accepted the suggestion of the Charity Commissioners in their Report of 1877, as to the reappropriation of those funds to new charitable uses. Is not it in your judgment desirable that these new charitable uses should be such as benefit the whole of the people?—Certainly.

187. Would they benefit the whole of the people if they were applied for one ecclesiastical body only?—I would rather confine myself to matters other than ecclesiastical subjects. I am not great at all on those matters. I would rather refer you to the ecclesiastical gentlemen who will deal with that particular matter. I prefer the educational subjects myself.

188. Would you prefer those funds being applied to those educational purposes?—Yes.

189. Mr. *Baring*.] I understand you are speaking in your personal and not in your representative character?—Entirely in my personal character.

190. Mr. *Firth*.] One more question about the City. I find your Bill proposes, to some extent, that the City area should be preferred in the appropriation of these funds?—Yes.

191. Will you tell me on what ground that claim is based?—That we might make sure of having the whole City in one schedule, and all dealt with alike.

192. Do you consider that the City have a right of pre-enjoyment, so to speak?—No absolute right as a City.

193. You are aware, no doubt, that many of the City parishes have been denuded from various causes of a poor population?—Yes.

194. You are aware that that poor population has been distributed all over London?—I am not aware of that, but I daresay it is so.

195. You are aware that there have been, from one cause or another, driven out of London from 70,000 to 100,000 poor persons in the course of the last 30 years?—A very large number.

196. Do you not consider that those poor so extruded have an equal right to an interest in those funds with those which remain?—Yes, particularly where they are still employed in the City in the earning of their daily livelihood.

197. The City have recently had a census taken of such persons employed in the City earning their daily livelihood?—Yes.

198. They have found that as many as 800,000 persons come into and across the City in the course of the day?—You have the figures.

199. They have found that the regularly employed persons in the City, and employers of labour, are about 260,000?—That is about it.

200. Are you prepared to admit that all these persons should have an equal right in the appropriation of these funds?—Certainly.

201. Of course, with those dependent upon them?—Yes, wherever they live. I may say, in further answer to your question, that there are still, it appears, two thousand paupers in the City itself; and at least we should have the opportunity of so arranging affairs as to improve the paupers out of the City with charity funds that in a sense, though not in an absolute sense of right, belong to the City before the external boroughs, or the rest of the Metropolis is dealt with.

202. That does not directly arise out of my question. Is not it the fact that many of these, as you term them, City paupers, are living in considerable comfort, and paying high rents in the City in order to take advantage of the charities which exist there?—I think that is not an accurate view of it; that

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[Continued.]

they are paying high rents is true ; that they are living in comfort is certainly not true.

203. They are paying rents very much higher than a similar class of people anywhere else in London ?—Necessarily so.

204. How do you account for the paupers being able to do that in the City of London ?—I cannot account for it.

205. Mr. *Macfarlane*.] Is there any table or record showing the dates of the foundations of most of those charities ; I see it is scattered through the evidence, but in a very inaccessible shape ; is there any record beginning with the very old days and coming down to modern times ?—There is a record in the Reports of the Charity Commissioners of the date of the origin of every charity ; but whether in any tabulated form such as would be convenient for your purpose I am not aware.

206. It is not in evidence here ?—No, it is not prepared for evidence.

207. Mr. *Baring*.] One question as to this statement of Sion College : “ A whole class of official trustees, viz., the rectors and vicars of the various City parishes have been ignored ; ” can you explain that ; what is meant by “ ignoring ” ?—Is that in the Sion College Report ?

208. Yes ?—I cannot explain what Sion College means.

209. I think you said that, at the first meeting, there were no clergy invited ?—No, only churchwardens.

210. Can you tell me why only churchwardens were invited when the clergy were official trustees ?—That was only a meeting of churchwardens. That meeting was summoned by Mr. Freshfield, and he will be better able to give his reasons than I can. In answer to a question put to me by you about the 40,000 *l.* schemes, I say that if Clause 16 is looked at in our Bill it will be found that schemes made at any time within 50 years before the passing of the Act are to be exempted ; but that word fifty, if my memory serves me right, stands in the print of the Bill as a date that may be altered in Committee if need be. The 50 years is printed in *Italics* in the Bill itself ; so that it may be altered in Committee if thought necessary. It is not fixed as an absolute date at all.

211. At the same time I understand that the City does propose that charities or funds regarding which a scheme has been framed by law, or any agreement has been come to within the last certain number of years cannot be interfered with by the proposed Commission, except with the consent of the trustees ?—That is so.

212. Mr. *Arthur Peel*.] When you said that the scholarship system failed in Cripplegate, was there not something in the circumstances of Cripplegate which made it unlikely that the scholarship system would succeed there, as compared with the wider area proposed ?—With the wider area I cannot tell, possibly : but Cripplegate was favourably situated for the success of that scheme. There are two schools, a school for girls and a school for boys, and to each of those schools we offered these scholarships. There are, I think, 600 or 700 children in those schools, and we only had one application in three years for the forwarding of a child from either of these schools into better schools ; and that was from the son of a schoolmaster.

213. Then you think Cripplegate would also be a favourable field for the application of technical education ?—Yes ; a great many manufacturing processes are carried on there. Large numbers of people are employed in all kinds of manufactures, particularly for the Wood-street trade and of feather goods and ostrich feathers, and divers things ; not making feathers, but dyeing, and so on ; and artificial flower making is very largely carried on there.

214. Were the questions addressed to you by the Royal Commissioners the same as those addressed to you subsequently, as I understand, by the London School Board ; did they cover the same ground ?—Practically, we were examined before the Commission in a different form. The School Board sent us papers inviting us to fill them up and return them, which I believe was not done.

215. I understood you to say that you declined to answer the questions of the School Board, but you had already answered the questions of the Royal Commissioners ?—Not already. I think the application from the School Board preceded the application from the Royal Commission by a few months.

216. When

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Mr. PEARCE.

[Continued.]

216. When you say you would admit the application of parochial funds to new charitable purposes, will you specify what new purposes you have in your mind?—It is rather a new area than new purposes, because charitable purposes are alike everywhere; they are defined in the Bill.

217. I understood you to say new charitable purposes?—Meaning a new extension of them over the whole of the Metropolis, and also disregarding the original objects of the donation, so as to bring the gifts into conformity with modern requirements. For instance, providing open spaces is a new charitable notion.

218. But you would give the preference always to the City area?—No, only to residents, and persons employed in the City, as in some sort having a title to be regarded first of all out of City Parochial Charities.

219. How would you be able to identify proper recipients of the Parochial Charities who do not reside now, but who have been extruded from the City of London?—If they are employed in the City there is no difficulty.

220. But suppose they are not employed in the City?—Then we should suggest they would come after the others. It is a suggestion as to which there is no very serious stand made, except for the purpose of getting all the parishes into one schedule.

221. Mr. *William Lawrence*.] With respect to that 16th clause to which you alluded, as to the time being limited to 50 years; do I understand you the trustees are prepared to accept a shorter length of time?—I think we would agree upon a shorter length of time.

222. Does the City Bill or the Public Bill, ask that one of the Commissioners shall be a Charity Commissioner, in accord with the Report of the Royal Commission?—Yes. The City Bill provides that one of the Commissioners appointed by Her Majesty should be one of the Charity Commissioners, and that is recommended by the Royal Commission.

223. Is that in both Bills?—No, that is not in the Bill of the honourable Member for the Tower Hamlets.

224. As to co-optation of the governing body; can you explain the new proposed governing body suggested by Mr. Littler?—There is a suggestion both in the Royal Commission and in the Public Bill that some of the new governing body shall be co-optative; and Mr. Littler, in his address (though of course that is not on the notes of the evidence), stated that co-optation was a mode merely of increasing the power of an existing majority on the board; and that on that account where there was any idea of making a body representative, co-optation was a mischievous plan to introduce, and that certainly there ought to be no co-optation upon a new governing body intended to represent the whole of the Metropolis. With reference to Mr. Littler's suggestion of the new governing body, I may explain as to so much of it as relates to the nine Metropolitan boroughs; that is, excluding the City; his suggestion was that there should be two members appointed by each borough, and some question was put to him as to the mode of choice. I have taken the pains to ascertain that there is a comparatively easy mode of choice which would not involve the expense or the trouble of a large election, and I am indebted for that suggestion to some gentlemen who are concerned in all those bodies outside the City. It is this, that until we get a new municipality which will make other provisions, we should invite the members of the districts boards and vestries appointed under the Metropolitan Local Management Act in each borough to select two for each borough, who are to represent that borough on the new governing body. In that way you would have 18 persons representing the outer Metropolis on the new governing body. That would be an inexpensive mode of election, and I venture to think a satisfactory mode of arranging the outside representation.

225. With respect to limiting the advantages to the City area, is it not your view that the benefits should be extended throughout the whole of the Metropolis, giving to the inhabitants of the City who are now entitled to the benefit of these charities a first preference, as it were?—Yes.

226. And also giving a preference to those employed in the City; the intention of those charities being to benefit the citizens of London and the poorer classes of the community who are earning their bread in the City of London?—

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Yes,

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Mr. PEARCE.

[Continued.]

Yes; only that our Bill, the Private Bill, does not contain any express provision in favour of those employed in the City. That is the object of a petition or two which has been presented here, with which to some extent some of the trustees undoubtedly sympathise.

227. You mentioned the paupers in the City, and as to enabling them to be benefited, and their living out of the City. Are you aware that if the paupers in the City were to be taken out of their pauperism in any shape or form, that would not benefit the City of London in any degree whatever?—I am aware of that.

228. Because being one common fund throughout the whole, to which the City has to contribute, any diminution of pauperism in the City would only diminish it in the City to the extent of their proportion over the whole area?—That is so.

229. In the City any removal of the paupers out of the City of London, and out of their pauperism, in fact, if you could raise them out of it, would not in any shape or form, diminish the poor rates in the City?—Certainly not. That is divided by rateable value.

230. The City proper is a large contributor to the common fund?—I should say the largest contributor.

231. Mr. *Cubitt*.] I think I understood you to say, in answer to the honourable Member for the City, that your recommendation and that of the Royal Commission, agree in recommending that one of the Charity Commissioners should be one of the new Commission?—Yes.

232. But I think you will find, on page 10 of the Royal Commission Report, that the recommendation of the Commission is that it should be one of the members of the staff of the Charity Commissioners. That is not quite the same thing?—We do not distinguish in that respect. Certainly one of the Charity Commissioners ought to be part of this Commission, if I may venture to say so.

233. I am correct, I think, in saying that that is not the recommendation of the Royal Commission?—Except that I suppose they are part of the staff.

234. A member of the staff need not be one of the three Charity Commissioners?—Not necessarily.

235. Mr. *Walter James*.] You are, I believe, vestry clerk of St. Giles, Cripplegate?—Yes.

236. Is your partner, Mr. Baylis, whose name appears on the back of the Bill, also one of the vestry clerks?—Yes.

237. When did you first begin to take an interest in this question?—On the 1st June 1872.

238. In connection with what was your attention directed to it?—My business in Cripplegate.

239. Had that reference to this proposed legislation, or merely to a question connected with the charities of St. Giles?—The condition of the charities in London came under my notice at that time.

240. Of what charities?—The parochial charities.

241. The parochial charities of the City came under your notice?—Yes.

242. Previous to 1872, had your attention ever been drawn to any Report of the Charity Commissioners upon this question?—No; I was not in London, nor in any way acquainted with the parochial charities of the City until that date.

243. Are you aware of the time when this matter was first brought into public notice by a Report of the Charity Commissioners?—Only as I have seen it stated in the public prints.

244. Are you aware of the date?—I think there was a Report in 1866.

245. That is the case; there was a Report in 1866. Have you ever read that Report?—No.

246. You have never looked at it?—I have never read it.

247. Did it attract any public attention amongst the trustees of monies; gentlemen interested in the charities?—I was not in London till 1872, so I cannot answer that question.

248. Between

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MR. PEARCE.

[Continued.]

248. Between 1866 and 1872, you may say that the Report of the Charity Commissioners did not attract much attention?—I cannot say, because I was not here. I know that it attracted the attention of Mr. Andrew Johnson, who was a Suffolk man, and Member for South Essex at that time.

249. Your personal attention was drawn to it in 1872?—That is when I first began to take an interest in it.

250. What induced you to take an interest, your official position?—The fact that I was connected with Cripplegate charities officially.

251. Had your partner, previously to that time, taken any interest in this question?—I cannot tell at all.

252. Had he taken any interest in these questions anterior to that date?—I cannot tell.

253. Or subsequent to that?—Yes, certainly in the business that has been going on, and particularly about this Bill.

254. Has he been in correspondence with the Charity Commissioners in any scheme connected with the City Parochial Charities?—The City Parochial Charities in bulk?

255. No, with any individual charities?—Certainly, as my partner. That has been mainly my own department of the work, and a great deal of it has fallen upon me; but in what has been done in that way he has taken an interest and has known about it.

256. Has he been a very active promoter of schemes?—Yes, as a member of the firm. I have been a promoter of schemes, undoubtedly.

257. And Mr. Baylis has also been a promoter of schemes?—With me; in that way.

258. Jointly?—Yes.

259. With regard to the question of the disposal of this property, are you aware that there are a great number of persons who consider that these large endowments, no matter what population they may be spent amongst, or how they may be disposed of wherever you find them, they have a pauperising and mischievous effect?—I am not aware that there is an opinion of that sort, but still this is charity property, and, as the law stands, it must be expended in some way, and those who think it mischievous must find some mode of making it less mischievous.

260. Assuming that it was to be spent for some object by which the whole of those funds were to be absolutely sunk and disposed of. For instance, you know that land in London will command a very large sum of money; if the whole of those funds could be completely sunk and disposed of, would you consider that a very great misfortune?—Am I to represent the opinions of my trustees?

261. I wish you to express your individual opinion?—I should not consider it a very great misfortune.

262. You would consider it rather a good thing than otherwise?—I should not consider it a very great misfortune if all the charities were cut up amongst the present recipients and each had his little bit. I should not consider that a great misfortune.

263. If it were all cut up amongst present recipients?—Yes; and if all the persons who are now interested in charities, including the Charity Commissioners, were relieved of their offices and found their occupation gone, I should not consider that was a serious misfortune for the public.

264. These observations would apply not merely to those who were recipients of the charities, but also to those who were the managers of the charities?—To some it would be a very serious misfortune in every way.

265. To some of the managers of the charities, supposing the whole of this money were to be sunk, it would be a great misfortune?—No doubt. That is why, no doubt, both Bills included provisions for compensation for vested interests.

266. Have you taken a very great interest in the historical part of this question with regard to the objects of the founders of these charities, and persons by whom those foundations were made?—Incidentally, and as a matter of curiosity, certainly; but my main business has been the practical administration of the charities for Cripplegate.

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Mr. PEARCE.

[Continued.]

267. Do you think the founders of the charities would think it a great misfortune, supposing the managers were no longer to enjoy those sources of income?—I am afraid the views of the founders of the charities are not accessible.

268. Will you tell me when the proposal to deal with these matters by a private Bill was, in the first instance, made?—When we found that applications to the Charity Commissioners from all the trustees of all the City parishes, in such a form as would enable them to make one general scheme were not practicable. That was in April 1881. I had great assistance from the Charity Commissioners themselves in the consideration of that matter; and it was suggested at one time that applications should be made by all the City charities in the proper form to the Charity Commissioners, so that they might, under their powers, make a general scheme. But it was very soon found in the words of the Royal Commissioners “and in the words of the Charity Commissioners” Report, that to do that was impracticable; not because of the reluctance of the trustees, but because of the length of time, and the difficulty about it.

269. Did you correspond with the Charity Commissioners upon the subject?—I had great facilities afforded me; I may venture to say, and I am very glad to be able to say it, by the Charity Commissioners. Not only on that occasion, but on all occasions when I have had to see them, they have been extremely willing to assist in the promotion of schemes and dealing with this property.

270. I thought you stated the other day that there was considerable difficulty on the part of the Charity Commissioners?—Perhaps it, was Mr. Littler who said it.

271. You represent that the Charity Commissioners had been active and desirous to promote the scheme?—Personally the Charity Commissioners have given me every possible facility, both in the way of information and suggestion, and help.

272. In connection with this private Bill?—I will not say that. No; but in the promotion of schemes either in Cripplegate or whenever I have had occasion to consult them.

273. In what other parishes have you had any experience besides Cripplegate?—Only in this Bill.

274. You say that you have not had any interview with the Charity Commissioners?—I did not say that.

275. Had you?—Yes.

276. On this private Bill?—Yes; and before the private Bill was introduced into Parliament.

277. You have had personal interviews with the Charity Commissioners respecting the Bill?—Respecting this Bill, certainly. I do not mean officially. I do not mean in set form with all the Charity Commissioners.

278. But with individual Commissioners?—With individual Commissioners, certainly; with Sir Seymour Fitzgerald, and in particular with Mr. Longley, and we are very much indebted to the suggestions which Mr. Longley in particular has given us.

279. You are very much indebted for propositions which have emanated from the Commissioners with regard to this Bill, or with regard to your own particular charity?—I am speaking only generally of the action of the Charity Commissioners.

280. You are speaking so vaguely, I wish you to be specific and particular. The evidence is no use unless we go into particulars. You say that you are much indebted to the Charity Commissioners for the action which they have taken. Do you refer to matters connected with this Bill, and with this legislation; or do you refer to matters connected with your own particular charity?—Both.

281. I will ask you merely with regard to interviews or communications which may have passed between you and the Commissioners in an official capacity; will you be good enough to tell me what communications have passed between you and the Charity Commissioners in an official matter connected with this private Bill?—I have a letter in which they said that they thought the matter was one which could not be dealt with by a private Bill, and that they could
not

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[Continued.]

not render us any assistance in that way at all officially. I think I had a letter like that.

282. Is that the whole of the communications which have passed between you and the Charity Commissioners connected with this Bill?—No, not by any means.

283. What other official communications have passed?—Not any officially.

284. I asked “officially”?—Not any officially.

285. I wish it to be clear on the notes that the only official communication that passed between you and the Charity Commissioners in connection with this Bill, was an application to see them respecting the provisions of the Bill, and that that was declined?—I do not remember that that was the application.

286. Can you produce the correspondence?—Yes, I can produce the letter.

287. Was there any correspondence besides that letter?—I can produce anything there was.

288. Whose suggestion was it, that these funds should be dealt with by a private Bill?—Parliamentary Agents.

289. To whom did they make that suggestion?—To me, on the ground of the Standing Orders making it absolutely necessary. It was Mr. Wyatt.

290. He made the suggestion that it should be dealt with by a private Bill?—And that there was no other Parliamentary power of dealing with it.

291. Are you aware that the Endowed Schools Bill of 1869 dealt with a great deal of private charity property?—Not in the mode that is here contemplated. There is a great difference between the two things. One was a scheme dealing not at all with any particular charity, but dealing with the entire country. The Endowed Schools Act relate to the whole kingdom.

292. Will you give me any precedent for dealing with individual charities by a private Bill and the establishment of a Commission?—Yes, I can give you a precedent which is really a mistake, but in the London School Board Report it is stated that a private Bill was passed dealing with Cripplegate and St. Luke's Charities, whereas a private Bill was introduced, and thrown out. That is one of the mistakes in the Report. It was thrown out because the Preamble was not proved. St. Luke's introduced a private Bill affecting the Cripplegate Charities. That Bill came before a Committee, and was thrown out, the Preamble not being proved, although the School Board Report says it was passed into law.

293. Is there any other case you can suggest?—I cannot remember at this moment. There are many private Acts affecting charities mentioned in the Royal Commissioners' Report, and I think I know of several myself.

294. You cannot mention any particular Act dealing with charities under which a Commission specially dealing with them was appointed?—No, I cannot say that I do remember anything of that kind.

295. You say the Parliamentary Agent suggested to you that this matter should be dealt with by a private Bill; you are aware that a private Bill entails great expense?—Some expense.

296. What steps did you take for the purpose of raising funds for the purposes of this private Bill?—I asked the various parties who were acting with us to get subscriptions to meet the necessary expenses, and I got subscriptions.

297. Did you get subscriptions from them individually; how did you solicit subscriptions?—I forget; in various ways, sometimes by personal application by word of mouth, sometimes by letter, and in various ways.

298. By writing letters?—By writing letters; and I think by a circular after a time when the thing got into a settled shape. I do not remember at the moment, but I have no doubt I did. I did all I could by printing.

299. Did you send out more than one circular?—I cannot remember. I think very likely I did.

300. Do try and think?—I will furnish you with the circular if you wish it. I sent out a good many circulars of various sorts.

301. I ask you whether you sent out circulars soliciting subscriptions?—I believe so; I cannot remember.

302. Can you produce them?—No doubt I can. I do not know whether I have one here.

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[*Continued.*]

303. In those circulars did you enter into any calculation as to what proportion of expense ought to be borne by each charity?—There was some rough estimate made for the use of the charities; for the guidance of the people themselves.

304. On what principle?—On the principle of getting the money.

305. What was the aggregate amount required?—We were advised by Parliamentary Agents that we ought to see our way to about 1,500 *l.* altogether.

306. Supposing the Bill of the honourable Member for the Tower Hamlets had become law and passed, what was the object of raising all this money?—The object was to correct what we felt to be the inadequate provisions of that Bill, to do it in a much better mode, and to do it moreover in the only mode that Parliament permitted, as we were advised, by a private Bill. So much is that so that those promoting the public Bill are well aware that they had to advertise their Bill in the same way we had to advertise ours; and they have been obliged to comply with all the forms relating to private Bill legislation.

307. I have here taken out from the accounts of the year 1879 a number of management expenses relating to a certain number of these parishes. I will just read you the names of them: St. Botolph's, Aldersgate; St. Clement, Eastcheap; St. Lawrence, Jewry; St. Martin, Orgars; St. Mary, Abchurch; St. Mary, Aldermarv; St. Michael, Bassishaw; St. Michael, Cornhill; St. Sepulchre, St. Stephen, Coleman-street; St. Swithin, and St. Thomas Apostle. The management expenses, including the payment of the vestry clerk, the legal expenses, and expenses connected with the management of property averages roughly 200 *l.*; in some cases it is upwards of 300 *l.* I have been unable to get the whole of the expenses taken out, but assuming that all those expenses were brought into one large trust, and that instead of having all these small bodies of management you were to have one large body of management, do you consider it would be an advantage for the charity?—No.

308. Do you think it would be an advantage for the public?—Do you mean by the saving of expense?

309. Yes?—No.

310. You do not think it would be a saving of expense?—I do not think so. The different bodies who manage these charities are entirely unremunerated. They never get a penny at all.

311. Not the vestry clerks?—They are paid their salary for the work they do; but you would have a pay for that work, in any case, and certainly the vestry clerks' salary, so far as they are vestry clerks, is not paid for by the charities at all. There may be one or two cases where that has happened, but these are exceptions and improprieties.

312. Then you would say that the task of managing the property of St. Botolph's, Aldersgate, for instance, is well represented by an expenditure of 273 *l.* a year?—Seeing that the charitable income is 10,000 *l.* a year, that is not an outrageous proportion.

313. Would you say that the sum of 219 *l.* was an extravagant amount for St. Clement, Eastcheap?—I do not know about that parish.

314. Do you know anything about St. Lawrence, Jewry?—No; they have never joined us in promotion, but they have a scheme.

315. Do you know anything about St. Martin, Orgars?—No.

316. Do you know anything about St. Mary, Abchurch?—No.

317. Do you know anything about St. Mary, Aldermarv?—No.

318. Do you know anything about St. Michael, Bassishaw?—No; they never joined us.

319. Or St. Michael's, Cornhill?—No; you are, of course, asking me as to the expenses.

320. Yes?—I know something about the parishes, but not on the point we are now on.

321. Do you know anything of St. Sepulchre?—No.

322. Do you know anything of St. Stephen, Coleman?—Not in that relation.

323. Of St. Swithin?—Not in that relation.

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[Continued.]

324. Of St. Thomas Apostle?—No.

325. St. Botolph, Aldersgate, is the only one with which you are acquainted?—I thought you said St. Botolph, Aldgate. St. Botolph, Aldersgate, is a very large charity.

326. Is that the one of which Mr. Deputy Fowler is one of the trustees?—Mr. Deputy Fowler is an Aldersgate man.

327. Are you acquainted with the evidence of Mr. Deputy Fowler on the School Board Royal Commission?—I have had my attention called to it.

328. Does he say there that the funds of this charity have been absolutely wasted?—I think he made some extravagant statement of that sort.

329. You consider it extravagant?—Yes; I know it is so considered in the parish.

330. A good many gentlemen who live in the parish are recipients of the charity, I believe?—Not the gentlemen.

331. They receive large sums taken off their poor rates?—No; I think not, not in Aldersgate. It is impossible to carry all the details of each parish in one's head.

332. At the commencement of your evidence the other day you quoted a number of parishes in which schemes have been put forward, and in which correspondence has taken place with the Charity Commissioners respecting schemes, to illustrate and to show the great desire on the part of the trustees that this question should be settled?—To show that they had been active in reforming their gifts themselves within the limits of the law.

332*. Upon what facts, and from what knowledge of the circumstances, was that conclusion of yours formed?—On what appears in the evidence before the Royal Commissioners.

333. Nothing else?—No; I know of no other evidence. There is no other body of evidence about it.

334. Do not you think it was rather a strong statement to say that active measures had been taken by these trustees in regard to this scheme when you had not read the schemes, and were unaware of what the schemes contained?—As to a large number of schemes I have had occasion to get them, in order to see what were the most beneficial modes of dealing with charity property for my own guidance. Therefore it arises that I have seen a considerable number of schemes that have been issued in various parishes in the City, and I am able to express an opinion upon that subject.

335. Are they the parishes mentioned in the Report?—Of course they are.

336. Are you acquainted with the schemes put forward in the case of St. Andrew, Undershaft?—You mean Datchelor's Gift; where they built a school for girls in Camberwell.

337. Are you aware that in the case of Datchelor's Gift the trustees were obliged to frame a scheme under the provisions of the Endowed Schools Act?—That happened, and has happened in various cases.

338. Do not go to various cases; keep to this one. Are you aware that in Datchelor's case provision specially was made for that charity under the provisions of the Endowed Schools Act?—No; I do not think there is any question about St. Andrew's, Undershaft, in the Endowed Schools Act, if that is what you mean.

339. I do not mean that?—Then I have misapprehended you.

340. Datchelor's Charity was specially dealt with under a clause of the Endowed Schools Act?—I cannot give the clause at this moment.

341. Are you acquainted with the schemes put forward in the case of St. Anne's and St. Agnes'?—No; that is a small endowment, and a small parish.

342. In the case of St. Bartholomew's, Exchange?—That was Mr. Freshfield's scheme, I think; I do not know much about it, or anything about it.

343. In the case of St. Catherine, Coleman, or St. Catherine, Cree?—Both of those are small gifts; I have no information about them.

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Mr. PEARCE.

[*Continued.*]

344. Will you tell me whether, since the year 1877, any schemes have been put forward by the charities which have been initiated by the Charity Commissioners?—Certainly they have.

345. Since 1877?—Yes.

346. Are you certain of that fact?—Yes; I have myself put forward a scheme since that date in relation to St. Giles' Charities, and our schemes in Cripplegate took effect on the 1st of January 1878.

347. Is it not the case that there the Charity Commissioners have refused to deal with schemes because they thought that the schemes were inexpedient, or they desired to wait for legislation?—Yes, that is a great misfortune which we are now suffering from, but the Charity Commissioners cannot get on for want of legislation, neither can we.

348. A good many of the schemes which you quoted the other day you said were dealt with by the Court of Chancery; is it not the case where schemes are so dealt with the action does not proceed from the trustees, but from the Attorney General?—Not in all cases.

349. Is it not the fact in most cases?—No; very frequently that action is started by a section of the trustees who have not been otherwise able to create opinion in their favour. Many schemes that are supposed to originate from the Charity Commissioners or the Court of Chancery really emanate from an active body of trustees who do not happen to have a majority upon their trust. That is a very common case.

350. I believe you wrote a letter to the "Daily News" a few days ago?—Yes, and I have had the honour of reading a reply to it.

351. After speaking of the action of the trustees, you say in this letter, "Meanwhile it is too soon to begin to break up the force of public opinion by wrangling over the supposed spoils;" will you be good enough to explain to the Committee to whom you refer as "wrangling over the supposed spoils"?—I hope the Committee will excuse me from answering that question.

352. Mr. Bryce.] I want to understand something from you about this list which you have given us to-day; your answers were a little vague on Friday on the subject of the authority the trustees had given; I want now to understand what authority you claim was given to you, who professed to speak on behalf of the trustees by the persons whose names you have inserted in this list?—Do you mean one or the other in every individual case?

353. It may not be necessary for me to ask you for the individual cases if you will explain sufficiently clearly in general terms?—In a large number of parishes I had subscriptions forwarded to me by the individuals whose names are on that list.

354. Whom do you mean by the individuals; do you mean by trustees or vestry clerks?—The cheques were almost invariably sent to me by the vestry clerk in a letter written by the vestry clerk, the cheques being signed either by the persons whose names are on that list, or by the other churchwardens in the parish.

355. Do you mean cheques were sent by the vestry clerks, or by the other persons?—Not by the vestry clerks; the cheques were sent by the persons who were either churchwardens or trustees.

356. Can you tell us in how many instances you got these subscriptions?—Yes.

357. Could you put in a list showing which parishes have given subscriptions?—Yes; I can do so, if it is thought desirable. (*The same was handed in.*)

358. There are 43 in this list?—Yes, I think they represent quite three-fourths of the total income.

359. These parishes subscribed three-fourths of the total income of the parochial charities?—Yes; I am not quite sure, but I think a very much larger proportion than 43 out of 86.

360. Do you know out of what funds the subscriptions came?—I have no doubt they came out of charities in a great many cases.

361. Do you know in how many cases?—I have no personal knowledge that could be called evidence on that subject.

362. Can

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Mr. PEARCE.

[Continued.]

362. Can you give me your impression as to about in how many cases they came out of the charity funds?—I should think, probably, in all of them; but there are cases where persons have subscribed money themselves. That is a list of subscribing parishes.

363. Can you tell me within what dates you received those subscriptions; I presume you have been receiving them up to now; when did they begin to come in?—I think the earliest day I can put it at is April 1881.

364. Have you received any since February last?—Certainly, a considerable amount.

365. Can you tell me what is the total amount you have received from those parishes?—I could give you an exact list if need be.

366. Of the money received from each parish?—Yes.

367. We should be glad to have that also. Can you tell me what you have received altogether in the way of subscriptions?—In actual cash?

368. In cash or promises which you know will be available?—I can do so; but I should ask to be excused from answering that question. I will give the honourable Member the information privately.

369. No, I do not want anything private at all?—I hope the Committee will excuse me answering that. I do not think it advances the cause of the Bills either one way or the other.

370. *Chairman.*] I think the question must be answered?—The particulars shall be given and a list shall be furnished. It can be carried much further than the mere list of subscribing parishes. I have the returns furnished me to enable me to instruct counsel, from a large number of parishes.

371. *Mr. Bryce.*] Did you issue a circular on the 6th of February last?—If you can show me one, I dare say I did.

372. You have not got it with you?—I cannot remember.

373. Look at that and see if that was issued by you (*handing a Paper to the Witness*)?—Certainly, it was.

374. I call your attention to one or two points in this circular. This is addressed to the trustees: "Last year your trustees subscribed *l.*, mainly, to defeat Mr. Bryce's Bill, and now a subscription from them of 15 *l.* will be proportionate to the present need, and help the Committee to put the whole case fairly before the House. The Committee is advised that such a contribution must be allowed as a proper expenditure of charity funds as much as if they had been attacked in the law courts instead of Parliament. May I ask you to submit this appeal to the proper authorities in your parish, and crave of them an early reply, as well as the return of the paper of questions, as fully answered as time will permit. Your obedient servant, *Robert Pearce*, Honorary Secretary." That is your circular?—Yes; that is part of it.

375. I propose to put the whole in. (*The same was put in.*) I should like to know how you spent that money last year which you admit was used in opposing the public Bill which I brought in. How did you spend it?—I am ready to give an account of the expenditure of every penny that I have expended. If the Chairman says that the question should be answered, I am quite ready to answer it. The money was spent in the printing of the various papers that were necessary to bring the trustees together; circulars and announcements of various kinds; hire of rooms at the Cannon-street Hotel; the payments made to counsel to prepare the scheme prepared by the churchwardens, and revising it more than once. I think those, together, with some payments to the Parliamentary Agents, account for all the money that has been spent. There has been no law bill of any kind run up by anybody. Everyone has been a volunteer in this scheme, except the payments for advertisements; and not only has that been so, but the payments that have to be made exceed the moneys that have been obtained from the charities, and are borne to that extent by the solicitors engaged in the matter themselves personally. I can give a very satisfactory account indeed of the mode in which that money has been expended. There can be no difficulty about the most extreme minuteness. No vestry clerk and no trustee has put a penny of that money into his pocket, if that is suggested.

376. No such suggestion is made; no such suggestion of any kind has been made?—I am glad to be able to state that at once. On the contrary, the vestry clerks

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have given an immense amount of time to the matter without any kind of remuneration.

377. And without any personal interest?—I should be sorry to say they have no personal interest, because that would not be true.

378. It is a fact, is it not, that you and your committee opposed the Public Bill of last year upon the Standing Orders in the House of Commons and in the House of Lords?—No, that is not true.

379. Who was it opposed it?—Mr. Freshfield.

380. Then he and your committee are different things?—At that time there was no committee in existence.

381. It was subsequent to the first meeting, was it?—No, certainly not.

382. Was it not subsequent to the first private meeting?—No, certainly not.

383. Do you not remember Mr. Freshfield stated that he represented a large body of trustees before a Committee of the House of Lords?—I was not there.

384. It is not within your knowledge that he stated that?—No; but it was true, at any rate.

385. *Chairman.*] I stated just now that 620 £. was subscribed for the purpose of opposing Mr. Bryce's Bill; but I see I was mistaken; it was subscribed in view of the preliminary expenses of your present Bill?—Generally.

386. But besides that, and before then there had been a sum of money subscribed for the purpose of opposing Mr. Bryce's Bill?—Not a penny. The 620 £. was all the money that had been subscribed from any quarter whatever up to the date of that circular.

387. It included the money referred to here: "Last year your trustees subscribed mainly to defeat Mr. Bryce's Bill?—That referred to the particular parish. The 620 £. would include that sum. You will notice the circular says that we had money enough at that moment to carry the Bill to the point of getting into Committee.

388. At the time when this money was subscribed to defeat Mr. Bryce's Bill, was there any contemplation of an alternative scheme on your part?—Certainly, that scheme was prepared, and part of the money used in the preparation of it.

389. *Mr. Bryce.*] What were the steps you took to defeat my Bill. I considered the money had been spent in opposing it on Standing Orders; you say not. I want to know what were the steps taken. How did the money go to oppose the Bill if it were not that?—I think it will be satisfactory to the honourable Member if I say that the opposition to his Bill did not cost a penny.

390. I see a certain inconsistency with that circular, because you say the money was collected mainly to defeat my Bill?—I ought to say the taking steps to oppose the honourable Member's Bill did not cost any money at all. That was done by the House, and is probably well within the knowledge of the honourable Member; the opposition on Standing Orders last year in April 1881, took place before the first meeting, and was mentioned in the statement made by Mr. Freshfield at that first meeting of churchwardens.

391. Not at the first meeting, however; that is a matter which we shall get from Mr. Freshfield. Mr. Freshfield told the Committee of the House of Lords that he represented a large number of parishes?—That was true.

392. I must call your attention again to the expression used here, that the trustees subscribed the money mainly to defeat Mr. Bryce's Bill. You tell us now that the money was subscribed to prepare an alternative scheme. I suppose, in fact, the object of preparing the alternative scheme was to defeat my Bill?—To the extent, as you know, by a comparison of the two Bills of putting a better Bill in the place of yours.

393. The object was to defeat my Bill, according to your circular?—The object was to make a better Bill.

394. That is not what your circular says?—Oh! yes it is, if you will read the whole of it.

395. Is

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395. Is it within your knowledge that the trustees of some parishes consulted the Charity Commissioners as to whether it would be a proper application of charity funds, to answer your appeals for subscriptions?—I do not know. I do not know that that was done by the trustees of parishes.

396. Was it done by any persons?—I cannot tell what they did.

397. Is it within your knowledge that the Charity Commissioners were consulted by persons as to whether they could properly apply charity funds to the purposes for which you asked the money?—I cannot tell you.

398. Is it within your knowledge or not?—Certainly, not in the sense of being evidence.

399. Is it within your knowledge in any way?—I have heard it said.

400. Do you believe it?—Of course I believe it.

401. Do you know it to be true?—No; I believe many things I do not know to be true.

402. What do you mean by saying you believe it?—I say, I believe it.

403. Do you know when these applications were made?—To the Charity Commissioners?

404. Yes?—I do not even know that they were made. I only know that a rumour of such applications had reached me.

405. When did you believe they were made; we will not put it higher than that?—I cannot tell at all.

406. Have you no impression on the subject, one way or the other?—A vague impression that is of no value.

407. Now, please be candid?—I am perfectly candid.

408. We have other evidence about this?—By all means. The usual plan is to put a paper in my hands, and ask me if I know of that paper, or anything of that sort.

409. I have put this paper into your hands?—That is the circular of the 6th February.

410. Yes. Have you reason to believe that some of the trustees had consulted the Charity Commissioners before the 6th February?—No.

411. Do you believe it was since the 6th February?—I do not believe; but my reason tells me it must have been after that circular.

412. Had you made no application till the date of that circular?—Yes.

413. You had made applications as far back as the spring of 1881, had you not?—Yes, after April.

414. Now, is it not within your knowledge, and be careful in answering this question, that before 6th February 1882, a number of applications had been made to the Charity Commissioners by various persons, asking them whether they would be justified in taking money out of charity funds for this purpose?—Certainly, not within my knowledge; and I never heard of it before.

415. Not even to that effect?—If you will ask me as to any particular circumstance I can possibly know, I will tell you aye or no.

416. Tell me what you know?—I have knowledge such as I have explained. There was a rumour that application had been made to the Charity Commissioners, which reached my ears.

417. When did that rumour reach your ears?—I cannot tell you; quite recently.

418. About when?—I say quite recently. I cannot give you anything nearer, but quite recently.

419. Do you know what answer the Charity Commissioners made?—I understood they said they would not sanction it. I know very well they allowed the payment of all the Parliamentary expenses in the contest between Cripplegate and St. Luke's, which was borne by the individual charities, and which came to a very large sum of money; far more than the whole of the costs of this Bill will come to.

420. Have you made any application for money since you heard the Charity Commissioners made this answer?—Yes.

421. Out of charity funds?—Yes.

422. In spite of what the Charity Commissioners said?—It is no part of the jurisdiction

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jurisdiction of the Charity Commissioners to sanction payments of that sort. It is a matter entirely within the province of the trustees.

423. You think the trustees would have a perfect right to do so?—The Charity Commissioners have no right to tell them anything of the kind.

424. *Chairman.*] Have you taken advice on that point?—I have been accustomed to advise myself on that point.

425. *Mr. Bryce.*] Have you taken the advice of counsel upon it?—No.

426. You think it is so clear?—I have no doubt of it.

427. You do not know that the Charity Commissioners are in the habit of instructing the Attorney General to proceed in cases where improper payments are made out of charity funds?—Where improper payments are made out of charity funds, of course; but this is a proper payment.

428. Do you think the Charity Commissioners are not good judges whether a payment is proper or improper?—I think the Charity Commissioners are extremely good judges of modes for increasing their own jurisdiction.

429. There is a clause at the end of the Private Bill on the subject of the payment of these expenses out of the charity funds, is not there?—Yes.

430. That is Clause 33 of your Bill?—Yes.

431. Do you think without that clause it would be within the power of the trustees who support you, to take out of their charity funds as much money as was necessary to pay the expenses of the Private Bill? Most certainly. And the object of that clause was to put it on the surplus income, instead of upon the sums allotted to the City.

432. Now you were going to tell me something about the authority you had from these trustees?—I have already mentioned that I have returns from a large number of parishes which verify the list of Promoters I have given you in every particular, and I have given you names of persons willing to give evidence before this Committee, if need be, in support of the City Bill.

433. In the case of those persons you have given us as subscribing, what evidence have you to show that their parishes have approved the details of your Bill?—What the executive committee looked at was the people themselves; and they went through the Bill.

434. The mere fact that parishes have subscribed did not of itself prove that those parishes, by their trustees, approve the details of your Bill?—No.

435. I want to know how you show that?—By their subscriptions to the Bill.

436. But you do not say the mere fact of their sending subscriptions to you proves that they approved the details of the Bill?—Yes, it does though. I misapprehended your question; they would not subscribe to anything they did not agree to.

437. Some of these subscriptions were received before the Bill was in draft?—Not before the scheme: but that is a matter of detail I can furnish you with information upon.

438. Before this Bill was in print some of these subscriptions were received?—Before the Bill, but not before the scheme, of which this Bill was only a reprint, was in print.

439. Does this Bill agree entirely with that scheme?—So nearly that no one can find a substantial difference between the two.

440. Did you take any steps while the Bill was in draft, or being drafted, to submit it to a body of representatives, or a body of trustees, to obtain their approval of it?—That was done in August 1881.

441. Give us the details of that, and show us how it took place; I only want to know facts?—On the Wednesday before the 20th August 1881, there was a meeting at the Cannon-street Hotel of the parties concerned, at which the scheme was approved, and orders were given that it should be printed.

442. Who were present at that meeting?—The churchwardens and others. A great many of them are mentioned in your list; I can read the names, if you please.

443. Can you give me how many were present?—I think, as far as my memory serves me, 50 or 60.

444. Have

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444. Have you got a list of them?—I have only the list printed in the papers.

445. You did not take a list at the door, or anything of that kind?—I did not; there was a list taken at the door, but not by me.

446. Mr. *Baring*.] May I ask whether there were any clergy present at that meeting?—I think not.

447. Mr. *Bryce*.] Had they not been invited?—Certainly not; that was a meeting of representatives, and the parishes had not appointed their clergy representatives.

448. How many persons present at that meeting were vestry clerks?—Five or six, I should think, not more. The vestry clerks are not promoting this Bill, it is done by the trustees.

449. How does it come that you have got such a large proportion of vestry clerks in your circular?—There are not more than half. If you look at the list of Promoters I have handed in, there is half of them vestry clerks, and the other half are other gentlemen.

450. Did you issue this circular of the 5th January 1882?—Yes.

451. Do you see that list of vestry clerks there?—I do.

452. Do you notice that upon this list the great majority of the persons put down are vestry clerks?—Yes; that was so because it was convenient to communicate to the parishes through the vestry clerks.

453. Do you know that in all those cases the vestry clerks had authority to speak in the name of the various bodies?—They had by virtue of their office.

454. Do you mean to say that a vestry clerk has by virtue of his office authority to speak in the name of the parish?—To a certain extent.

455. To what extent?—It was for that purpose the vestry clerks were called before the Royal Commission, and they were the first witnesses examined in every case.

456. Do you consider you are entitled to represent the trustees of St. Giles', Cripplegate?—I do.

457. Without authority from them?—Not without authority from them, because I have authority from them.

458. Have you general authority in all cases to represent their views?—Certainly to speak their views; they generally employ me for that purpose.

459. Now you can tell me about this list in this circular of the 5th January 1882; I see here also "other representatives"; I am going to put this document in?—By all means.

460. "St. Alban's, Wood-street; E. C. Strong, Esq., Vestry Clerk." Did you have any authority from Mr. Strong?—Mr. Strong came to the meeting of vestry clerks, and I discussed the Bill with him personally; he afterwards wrote me to say that the Reverend Mr. Cummings objects to his having represented the parish on that occasion, and desired me to strike his name off the list, and I have had done so.

461. When did he write to you?—I can find the letter; but I suppose it is this year, shortly after the date of that circular.

462. Will you furnish the letter?—I can find it.

463. Did you consider you had the right to put his name down as a representative name?—Certainly I did, because he came and approved of the Bill.

464. That is to say he approved as vestry clerk; you consider that, *qua* vestry clerk, he had a right to bind the trustees of his parish?—Not to bind them, but to convey their views.

465. Did not it occur to you to enquire whether he had any authority?—No more than I should enquire of a churchwarden, and certainly a churchwarden is entitled to represent the parish.

466. I find in this list also, "Allhallows, R. Miller, Esq., Vestry Clerk." Do you know whether Mr. Miller had any authority?—Mr. Miller sent me returns, and I have them here.

467. Mr. *Baring*.] May I take exception to a statement made by the witness; he says a churchwarden is entitled to represent the parish?—Yes.

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468. Two

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468. Two churchwardens could, but not one?—Well, but I meant for the purposes of this Bill.

469. *Chairman.*] Is it the ratepayers' churchwarden, or the other churchwarden?—I do not know. There is every kind of churchwarden in the City.

470. *Mr. Baring.*] Do you contend that one churchwarden is entitled to represent the parish?—Certainly.

471. I do not think that would hold in law?—I do not put it any higher than for such a purpose as this. I know it may be claimed that it must be the incumbent and two churchwardens.

Chairman.] I do not think you need pursue it further.

Mr. Baring.] I take exception to the witness' statement.

Chairman.] It is a matter of argument. I do not suppose many people will agree with him; but it is not worth while pursuing it further.

472. *Mr. Bryce.*] With regard to the case of "Allhallows-the-Great; R. Miller, Esq., Vestry Clerk." Did you get his authority?—I believe he is one of those who sent me in returns.

473. What do you mean by returns?—I mean a return to enable me to instruct counsel. He did so, certainly.

474. When?—I do not know. I could produce it, if need be. [*After referring*], On the 27th February 1882.

475. But this circular is dated the 5th January 1882?—You asked me the date when he sent me in the returns.

476. You gave me the sending in the return as evidence that he was a representative?—Yes.

477. I asked you for the evidence, and that evidence must be prior to the 5th January 1882?—Not necessarily, if I could show you some act that will satisfy you.

478. That is all I ask for; would you give me that evidence?—In detail?

479. No, not in detail. Tell me, generally, how you make out that Mr. Miller was supporting your Bill, or that you were entitled to put Mr. Miller down as a representative?—Amongst other items of information that will satisfy anybody about it is this return, which he sent me on the 27th February 1882.

480. You must have some other evidence to entitle you, on the 5th of January 1882, to represent him as being a representative?—I daresay I have; but it may not be in a written shape; I cannot tell you at the moment.

481. I may tell you I am told that you were not entitled to put him down as a representative, and, therefore, I give you an opportunity of showing that you were; you do not avail yourself of that opportunity?—I will produce evidence, certainly. Whatever other evidence I have shall be produced.

482. At present you have no evidence?—I have these returns.

483. It must be evidence before the 5th of January?—Certainly not, if I give you evidence of an act done by a man after that date which may be fairly construed to show that he was representing himself before that date.

484. Then, I find, in the parish of St. Augustine the name of Mr. Brodrick, solicitor to the trustees of the charities; what was your authority to represent Mr. Brodrick?—That, again, I have struck out of the list, and you will not find his name in the list of Promoters.

485. I am calling attention to your circular of the 5th January 1882?—At that time I believe I had authority to put his name in the list.

486. What authority?—Letters.

487. I will call your attention to an extract from a letter written by Mr. Brodrick?—Perhaps the whole of the letter had better be put in. I may have got it.

488. Supposing Mr. Brodrick said: "I have not in any way pretended to represent the parish of St. Augustine. I have had no sort of communication with anyone on the subject of the proposed Bill, and my name has been used entirely without my knowledge." Supposing Mr. Brodrick says that, is that a correct

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correct statement, or not?—Mr. Brodrick would not say anything that was untrue.

489. You admit the correctness of that statement, if made by him?—If made by him. What is the date of it?

490. I have not the date here, but I can easily find it. I ask you simply if such a statement as that is made by him, because I am not putting in evidence to show it; you would admit that it is correct?—Undoubtedly what Mr. Brodrick says is true.

491. And you would not be entitled to put his name down in this circular?—That depends on the date of the communication to you.

Mr. O'Hara.] Perhaps you would be kind enough, at the next meeting, to furnish that date, so as to give Mr. Pearce an opportunity of clearing it up.

The Witness.] It is a very small charity.

492. Mr. Bryce.] I do not think the size of the charity has anything to do with it. I find I have the letter here, and I will give you the date. It is the 14th of February. Supposing he said that on the 14th of February 1882?—Whenever he said it it was true.

493. Mr. O'Hara.] Does that alter your view?—Certainly.

Mr. Bryce.] I think perhaps you had better not interpose any questions.

The Witness.] Mr. Brodrick's name is excluded from the list of Promoters that I have handed you.

494. Then I see "St. Antholin; E. D. Muller, Esq., Vestry Clerk." Tell us what authority you had from him?—I had the authority of Major Joseph in that matter.

495. I do not ask you with regard to Major Joseph; I ask you with regard to Mr. E. D. Muller?—I had the authority of Major Joseph to put in the name of that vestry clerk.

496. Who is Major Joseph?—One of the Promoters of the Bill.

497. And he told you you were entitled to put in that vestry clerk's name?—He did.

498. And you acted on that?—Certainly.

499. Without any communication with the vestry clerk?—No, not without communication.

500. What communication had you?—I cannot tell you, because my clerks did it.

501. Will you give us the evidence?—I will give you anything of that kind. I intend to give you evidence of it, but I have not got it here.

502. Then, "St. Michael, Paternoster Royal; G. W. Marsden, Vestry Clerk." Tell us what authority you had to use Mr. Marsden's name?—I will prove it.

503. Can you tell us at this moment?—At this moment I cannot remember.

504. You have told us about these parishes having given subscriptions. With regard to the parishes which have not given subscriptions, give us an outline of the evidence you have to show that you were entitled to represent them?—I have done so. You have the returns to which I refer offering evidence.

505. I have not got those returns?—I had returns from 33 parishes.

506. What kind of returns?—Returns with information enabling me to instruct counsel in the conduct of this Bill.

507. Have you authority from them. They may be quite willing to give information enabling you to instruct counsel. I ask you whether you have authority to speak on their behalf?—I say that is an authority.

508. That is the only authority you have?—No; I put that forward as evidence?

509. Give me the whole of the authority you have?—I can do that by the production of a pile of correspondence.

510. I am afraid we must leave this; your answers are so very vague?—By all means, you shall have all the correspondence, if you please, but it will take a long time to get it out.

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511. I may

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511. I may take it that is all you can give me. You can only refer me to the correspondence in general?—I can give it.

512. What else can you tell me now; I want to give you the fullest opportunity of explanation now?—For substantiating my list I give you St. Margaret, Lothbury, and St. Christopher-le-Stock.

513. I do not want you to give this executive committee, and to go through each parish in detail; I want you to tell me generally on what you rely. You have told us the cases of parishes which have given subscriptions. I want you to tell me in the cases of other parishes which have not given subscriptions, what is the nature of the evidence you have; in how many instances do you suppose you have received letters, or spoken to people?—I have given you the information in 70 cases already.

514. But you mention that there were 30 parishes that sent you returns; do you consider those as being authorities?—Certainly they are, and they show it. They give the persons who are willing to come here and give evidence. You cannot have any stronger proof than their willingness to give evidence.

515. In all these cases did they give names?—In the cases in which you have got the names down in that list, certainly; where do the names come from?

516. This does not distinguish cases in which that has been said. The list merely gives a number of churchwardens and vestry clerks' names?—Take the case of the charities where Mr. Fidell Rogers is vestry clerk. He says, in answer to the question "Are you willing to give evidence before the Committee of the House on this Bill," "If required."

517. He is a vestry clerk?—He is a vestry clerk.

518. Have you any reason to know that he said that in pursuance of a resolution from his trustees?—I cannot tell you that. Then I asked him to give the name and address of a trustee willing to give evidence before the Committee, and he gives me names. That is the case in a large number of them; and that is the kind of evidence I speak to when I speak of returns.

519. Mr. *Baring*.] How many of these are there?—Thirty or thirty-three.

520. Mr. *Bryce*.] Is it you who have issued this print of the two Bills. I see the names of your firm at the bottom of it?—Yes.

521. Do you consider that the Corporation of London is the best authority to represent the City of London?—No, not in all matters, and certainly not in this matter.

522. Then you do not admit that the Corporation is a proper body to represent the City of London?—Not in these matters, certainly not.

523. Who are the proper persons to represent the City of London in these matters?—The City Trustees.

524. Is it within your knowledge that the Corporation of the City of London have petitioned against your Bill?—In order to support it. I heard counsel say so.

525. Have they petitioned against your Bill?—In order to support it.

526. Answer my question?—I think that is an answer.

527. It is perfectly easy for you to answer. Have they petitioned against it or not. When you have answered my question, you shall say whatever else you please?—I submit, with all deference, to the Committee, I have answered the question properly.

528. *Chairman*.] I think you ought to answer yes or no, and then you may add any other explanation?—I believe the rule is, that a Witness is entitled to answer a question in that way. I say yes, they have petitioned, in order to support it.

529. Mr. *Bryce*.] Do you consider you are justified, after the Corporation has petitioned against your Bill, in calling it here the City Bill?—The Bill is called that because—

530. I ask you, yes or no; do you think that after the Corporation of the City of London has petitioned against this private Bill you are justified in calling it the City Bill?—Certainly, and the reason is this: because it was introduced by the

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the four City members, and to distinguish it from the Bill introduced by the honourable Member for the Tower Hamlets.

531. Is it the case that Members frequently put their names to the back of a private Bill without pledging themselves to it?—I cannot tell you about the practice of Members of the House of Commons as to that.

532. Is it within your knowledge that a Member may move the throwing out of a private Bill on the back of which his name is?—I can only say that the Members for the City are strongly in favour of the Bill. Mr. Alderman Cotton, Mr. Alderman Fowler, and Mr. Alderman Lawrence, have taken action in favour of this Bill.

533. May I ask you why there were four solicitors for the private Bill?—In order that Mr. Wyatt might be sure he should get paid, and we have undertaken the expenses. Endorsing the Bill by four solicitors means that those four solicitors are prepared to guarantee Mr. Wyatt his expenses in this matter; that is what it means; and that is the only reason.

534. Would you object to produce the opinion which you say you obtained from counsel, that a contribution from charity funds would be allowed as proper expenditure of charity funds?—I never said we had obtained the opinion of counsel.

535. "The committee is advised that such a contribution must be allowed as a proper expenditure of charity funds." Had you not the opinion of counsel?—I did not say so.

536. Had you, or not?—I do not think I shall answer the question unless I am obliged.

537. I ask you to explain the circular. When you say, "The committee is advised;" what do you mean?—I do not think I shall say.

538. *Chairman.*] Cannot you tell the Committee whether you had legal advice on that point?—I am asked to answer a question on behalf of four different firms of solicitors.

539. Here is a circular signed by yourself, which says: "The committee is advised that such a contribution must be allowed as a proper expenditure of charity funds," as much as if they had been attacked in the law courts instead of Parliament. You are asked whether that was the advice of counsel?—I cannot tell you as to the other particular solicitors, but the four firms whose names are on the back of that Bill, advised the committee that it was proper expenditure. Whether they were any of them fortified by conference with counsel I cannot at the moment say; I was not.

540. *Mr. Bryce.*] I am asking you about the circular to which your name appears. You must have attached some meaning to those words?—I did.

541. When you said advised, did you mean it to be understood that you were advised by counsel, or not?—No; the words "The committee is advised," is a common phrase used by solicitors; it does not mean the committee are advised by counsel, because the phrase "as we are advised," is continually used.

542. I only ask in what sense you used the words?—That they were advised by the four firms whose names are on the back of the Bill.

543. You did not think it was a question of sufficient importance to submit to counsel?—Oh, no. A question of 10*l.* or 15*l.* or 20*l.* from each of these charities was not a question for counsel.

544. I should like to ask you, *apropos* of some evidence you gave on Friday, how you define a vested interest; what do you conceive a vested interest to be?—You are asking me to do what I think even a judge would not do.

545. If you are not fully able to define it, I do not press the question; I only ask if you can give any idea of what you intend in your Bill the words "vested interest" to convey?—I could give you examples of vested interest which would by no means exhaust the definition. Every poor person in the City has a vested interest in these charities.

546. That does exactly answer my question. Every person who has ever got a ticket for coals, for instance, has a vested interest in the charity continuing to be applied?—That is in a popular sense. Every rector has a vested interest in the ecclesiastical portion of the funds.

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547. Taking vested interests in this popular sense, do you think all these vested interests are proper subjects for compensation?—No.

548. *Chairman.*] Where doles have been given from time to time, do you consider that that is a vested interest?—Only in the actual recipient at the present moment, and those are so explained to be vested interests by the Report of the Royal Commissioners.

549. *Mr. Bryce.*] Do you suggest, for instance, where a man in the year 1880 has got a ticket for coals, that he has got a vested interest to have another ticket for coals in 1881?—In some parishes the practice is to continue the same persons in the receipt of doles weekly all through their lives; and although I think there is no legal obligation to continue the doles, yet they have always been considered in all Charity Commissioners' schemes as persons who should be saved from extrusion.

549.* *Chairman.*] Where there is a selection made every year, possibly they would not be the same people?—That is a very rare case. I do not know of such a case.

550. There are no such cases?—I think there are such cases, but I do not know of any.

551. *Mr. Bryce.*] Do you conceive that a vested interest is to be held to exist where a person receives what he receives at the absolute power and discretion of some other persons?—Yes, undoubtedly.

552. That still is a vested interest?—Undoubtedly.

553. In the legal sense, and not in the popular sense?—I do not know whether in a legal sense; but I think, even in a legal sense, because there are many offices that are held at the pleasure of other parties, which are usually enjoyed for life, and are looked upon as very valuable offices.

554. Do you conceive that the vestry clerks would have a vested interest, or ought to be compensated under the section of the Public Bill, Section 7, which deals with vested interests?—I think they would have an equitable and moral claim.

555. In Section 12 of the Private Bill, the second sub-section B, the words are used "fitting and proper," and "the due fulfilment." I want some explanation of what is intended by those words?—To follow the language of the Royal Commissioners' Report.

556. That is not my question. What is contemplated by the framers of the Bill as to the future application of the Charity property under words of that kind. I want to know whether you can give us any further explanation of what is contemplated by them, than what the words themselves convey?—Only that the Commissioners themselves might cut it down to such a sum as they thought fit and proper, leaving to their discretion all purposes for which the Charity money is applied in any of the parishes; and when they have cut it down and limited it, then the surplus will appear.

557. Then do you mean that the words "fitting and proper" and "due fulfilment," are to be taken in the judgment of the Commissioners?—Certainly.

558. In that case is there much difference between the Private Bill and the proposal of the Public Bill?—Hardly any; it is a mere verbal difference.

559. *Chairman.*] That is to say, in respect of the discretion left in the Commissioners for leaving in the hands of the existing trustees of the charities any funds sufficient for their purposes?—Yes. The main differences between the two sections are these; that all the present purposes are saved in the Private Bill, but the Commissioners have power to select amongst the present purposes in the Public Bill. Comparing the two clauses, the corresponding clause in the Public Bill is found in Section A of the 15th clause.

560. *Mr. Bryce.*] Then do I understand you to mean, that the Private Bill intends the Commissioners to continue the application of the money to all the purposes to which it is now applied?—No; to such of the objects for which the same is now applied as may be fitting and proper for the due fulfilment thereof; saving all the objects for which they are now applied. That is, respecting the intention of the original donors to some extent.

561. Supposing the object exists of which due fulfilment can be provided for, but it is an object which the Commissioners think not a beneficial object, are they

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they bound under your Bill to continue to apply the money to that object or not?—Yes, to some extent.

562. Even although they conceive it is not a beneficial object?—If they could so conceive any charitable object to be not beneficial.

563. Do you not think there can be some so-called charitable objects which are not beneficial?—I doubt it. It is a question of degree of benefit.

564. I only want to know your opinion. You conceive there are charitable objects which are not beneficial, but that they ought to be continued.

565. *Chairman.*] You do not go so far as that. You said all charitable objects would be beneficial?—Yes, it is a question of degree.

566. *Mr. Bryce.*] By charitable objects I mean the objects to which the money is now applied. You think all these objects more or less beneficial?—Yes.

567. But some are more beneficial than others?—Very much more. Some are so little beneficial that they might be very well disregarded.

568. You would not say that any of the present objects are not beneficial at all?—To some extent. I do not know of any.

569. I think then that there is in your view a distinction between the two Bills on that point?—Yes.

570. I do not think they are the same in that case, according to your view?—Not quite alike.

571. *Chairman.*] Would not you withdraw your expression that there was very little difference between the two Bills in that respect?—Perhaps it would be convenient that I should do so.

572. Because there is a very important difference?—It is more correct to say that there is a difference between the two Bills. In one the Commissioners may select the objects, and in the other they are limited to the same thing. It is to be applied to the due fulfilment of any object.

573. *Mr. Bryce.*] In any case the Commissioners must apply it to existing objects, but they may apply a small sum of money to some of these objects; whereas, under the public Bill, if they are convinced that the object is not beneficial at all, they may withdraw the money from that object?—Quite so.

574. What is the difference?—That is the difference.

575. I want to understand the grounds on which you think the City parishes, other than the parish from which a fund comes, ought to have a preference over any other part of the Metropolis in the application of the surplus of that fund. I understood you to say that the only reason for giving this surplus was that it was found to be a means of procuring the co-operation of all the parishes, or of a larger number of the parishes?—That is one of the mischiefs which has been worked by the Public Bill.

576. I did not ask you about the Public Bill, and I think you would do better if you answered my question instead of interposing remarks of your own?—I put that as an answer.

577. *Chairman.*] I do not think that was a correct expression to use?—I apologise if it be not a proper expression to use; I meant nothing objectionable.

578. *Mr. Bryce.*] You would do better if you answered my question?—I thought it was an answer. We ventured to think in the City that it was necessary to make some arrangement with the outer parishes to overcome the difficulty; I will substitute that word for the mischief, in which we have been placed by the separation of the City parishes into two schedules.

579. Do I understand you that the reason for giving this preference to the other parishes is that you wish to secure co-operation with as many parishes as you can?—That is one reason.

580. You do not suggest that they are entitled in justice and fairness to the preference, but that this is an inducement to them?—Also in justice and fairness.

581. You do conceive there are reasons in justice and fairness for this preference?—Yes.

582. Supposing a fund comes from St. Mildred's, Bread-street, and there is a surplus there, you think that the parish of St. Botolph's, Aldgate, has a preferential claim to the parishioners of St. Jude's, Whitechapel?—Having

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regard to the historical connection between the two, and they are both within the boundary of the same City, undoubtedly there is a sentimental reason for giving them a preference; I put it no higher.

583. Merely a sentimental reason?—It is one that is very effectual in all these matters of feeling.

584. You do conceive that the parish of St. Botolph, Aldgate, is entitled to preference over St. Jude's, Whitechapel, as regards St. Mildred's, Bread-street?—I have explained, not as a matter of right, but as a matter of sentiment.

585. You have put it in your Bill?—Yes.

586. Therefore you consider them entitled?—In that way, and only to that extent.

587. You do that even, although such parishes as St. Botolph, Aldgate, may have an immense amount of charitable funds?—And they have also an overwhelming amount of poor.

588. Do you know what the revenues of St. Botolph's, Aldgate, are?—Roughly, I do.

589. What are they?—£. 10,000 a year.

590. Do you know what the population of St. Botolph's, Aldgate, is?—I cannot remember at the present moment; it is a very large parish.

591. It is under 9,000, at any rate?—Of the 10,000 *l.* a year, 6,000 *l.* is Sir John Cass' Charity.

592. Supposing the population of St. Botolph's, Aldgate, is 8,000, do you consider that 10,000 *l.* a year is only a reasonable sum to have in a parish of that character?—I think the conditions put to me do not represent the facts.

593. I ask you, upon the assumption of the conditions. Assume St. Botolph's, Aldgate, was 10,000 *l.* a year, and a population of 8,000 or 9,000, do you consider that it requires money so much as to be entitled to a surplus from other City parishes, in addition to its own charity funds?—You have omitted from the supposition the fact that Aldgate goes outside the City, and that there is an enormous population outside the City.

594. Mr. *Firth.*] If I may interrupt for a moment, the population of St. Botolph's, Aldgate, is 6,269?—The night population.

595. Mr. *Bryce.*] Do you deal with anything except the night population?—Yes

596. What proviso is there for day population in your Bill?—I do not know.

597. Then how can you bring in day and night population, if there is no reference to it in your Bill?—I must consider; I think not. I have already explained that.

598. Is there any provision for what you call day population in your Bill?—I do not think there is.

599. May I take it that you conceive that St. Botolph, Aldgate, would be entitled to have a share in the surplus from St. Mildred's, Bread-street, although it has got already a population of 6,000, and an income of 10,000 *l.*?—No, not entitled.

600. Then what becomes of your former argument; how do you reconcile it?—I have already said that I think, as a matter of feeling, they have a claim which is not a title.

601. I say, as a matter of sentiment, you think they have a claim in spite of their having 10,000 *l.* a year of their own?—I do.

602. Do you object to the power to sell, which is contained in Clause 35 of the Public Bill?—We do object to that.

603. On what ground, considering it is merely a discretionary power in the Commissioners?—There is no consultation at all with the governing bodies, and the powers already existing for the sale of charity property, which is only possible in cases where the sale is advantageous to the charity, are sufficient for the purpose, and I could give you many instances within my own recent experience of sales of charity property where occasion has required it, and re-investment of the money in land, so as to insure the constant increase which arises from the growth

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growth in the value of land. One other reason for objecting to it is, that the sale of the charity property under that power and investment of the money, for instance, in Government stock, would effectually stop the development of the income.

604. You said that in your evidence in chief?—Yes.

605. Is it within your knowledge that there are many cases now in which it would be an advantage to the charities that some of their real property inside the City should be sold?—Not property inside the City. There are some few cases I know, but not as a rule, where the sale of City property is a practical thing.

606. Does it not sometimes happen that people are buying up property?—Pardon me, I have not finished my answer. I say there are cases where it is desirable that charity property should be sold; but, as a rule, with the sanction of the Charity Commissioners the money is being reinvested in the purchase of City ground-rents.

607. Mr. Baring.] I suppose then you sell property bringing in less income, and buy property that will bring you in more at present?—It more frequently happens in this way; that various public bodies, such as railways, and authorities carrying out other public improvements, take charity property, and the purchase-money is immediately, or as soon as conveniently may be, reinvested in the purchase of freehold ground-rents in the City, and that has been attended with enormous pecuniary advantage to the charities.

608. Mr. Bryce.] Would it not be desirable to carry it further in the case of many properties where like improvements are being carried out by private persons, and where there are small pieces of charity property that could be sold with great advantage to persons erecting a large block of warehouses, for instance?—Wherever that is the case it can be done now.

609. Is there any reason why power should not be continued in the Commissioners to do it?—But power should not be put into the hands of the Commissioners without consulting the Governing Bodies, and there is no occasion for it. The thing can be done absolutely well now with the consent of the Governing Bodies and with the sanction of the Charity Commissioners. I conceive that clause was a clause in Mr. Andrew Johnson's Bill of 1870.

610. You have observed that the clause of the Public Bill is to suspend the action of the Governing Bodies in the case of the parishes in the Second Schedule?—I have observed that, and I think that is objectionable.

611. That is objectionable in your view; but assuming that to be done, have you any objection to Clause 35?—There is no occasion for it.

612. Assuming the scheme of the Public Bill as regards the trustees and the smaller parishes, have you any objection to Clause 35?—Yes, because it would be a most injurious thing; or at all events, I venture to say, it would be a most improper thing that the Commissioners should have power, pending the formation of a new Governing Body, to realise the charity property; they ought not to be able to do that.

613. Why not?—Because I venture to say that the new Governing Body should have a voice in the disposition of the property.

614. It is not the application of the property?—The disposition I said; the sale of property.

615. Why should the new Governing Body be any more competent to decide when property should be sold than the Commissioners?—They would stand in the same relation to the Commissioners that the present Governing Bodies do, and if you propose to make a new Governing Body to deal with the Charities, you ought to give them the same power that the trustees now enjoy.

616. Is there anything in the Bill that prevents them having that power after they are constituted?—You have taken power to enable the Commissioners to sell without consulting them.

617. After the new governing body is constituted, is there any thing in the Public Bill that prevents them exercising that power?—Yes, the Commissioner would say under this section that it would be impertinent in them to put their claim forward.

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618. The power of the Commissioners would come to an end in a fixed period of time?—Their powers would not survive them.

619. You remarked in your comments on the 14th Section of the Private Bill, that the trustees would be willing to unite; what reason have you for thinking that the trustees would be willing to unite with these other governing bodies?—My experience of them.

620. What experience have you had of them?—Ten years' experience.

621. In your own parish?—Yes.

622. In any other parish?—No.

623. Then you make this statement with regard to the trustees over the whole City of London on the ground of your experience in your own parish?—And information obtained during the progress of this investigation.

624. What is there in that that leads you to believe the trustees will of their own accord unite with other bodies?—The advantage of doing so in many cases; the fact that they have done so in a large number of cases. Where the same trustees have happened to be the trustees of different charities, they have as a matter of practice united in their management.

625. Give me some cases?—A very large parish where the charities have become vested in the same persons has welded those separate charities together into one body, and dealt with them constantly jointly, although each charity is in itself a distinct separate charity, and has no business to be amalgamated at all.

626. That is not what I am asking you about; you are speaking of cases of different charities having become vested in the same persons; I am asking you about different bodies of trustees uniting with one another, which is quite a different thing?—There is a great resemblance; but I know of it being frequently done in the same parish.

627. Give me an example either in different parishes or in the same parish uniting with one another?—I can do so, and I will find them out for you.

628. What objection, may I ask, is taken by the Promoters of the Private Bill to one of the objects in the Public Bill mentioned; secondly, "To the establishment and maintenance of libraries, or museums, or art collections within the Metropolis, under such provisions as may make them useful to the poorer inhabitants thereof;" why were those omitted from the objects of the Private Bill?—No objection was taken to it at all; but if my memory serves me rightly, the sentence, "Libraries, or museums, or art collections within the Metropolis," was not in the Public Bill introduced in the Session of 1881, and, as the Private Bill preceded the Public Bill of 1882, we had not the advantage of that suggestion, or else very likely we should have adopted it.

629. May I take it you have no objection now?—Not the slightest.

630. Do you speak personally, or do you speak what you believe to be the opinions of others?—What I believe to be the opinions of others.

631. You represented, in your evidence in chief, that the Royal Commission required the consent of the governing bodies to their consolidation, in the same way that your Private Bill requires it; is that the case?—I believe so, if I said so.

632. You do not wish to make any correction of your evidence on that point?—I should be glad of the opportunity of making any correction if it is necessary: I will not detain the Committee by looking for it.

633. I can refer you to the passage; but I want to give you an opportunity of correcting an error; you implied that the Private Bill had followed the Royal Commission?—It is so here. I can find the passage. It is in the final paragraph of the final Report, signed by the six Commissioners: "In conclusion we have to observe that in proposing this scheme," and so on.

634. That is not the passage I am referring you to?—That is the one I had in mind.

635. I think you will find that is not what my question goes to; my question goes to the passage on page 11?—However, this is the one I had in mind: "We have been actuated by the desire to effect the union of these charities." That points to the union of governing bodies.

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636. Do I take it that your answer was based on that concluding paragraph on page 12?—I think so, if I remember rightly.

637. That is enough for my purpose; can you tell me what the trustees of these parochial charities are; what class of society they belong to?—Gentlemen.

638. Cannot you be a little more specific than that. We know the term gentleman is one of very wide application?—They include Members of Parliament.

639. You know perfectly well what my question is?—It is very difficult to say. They are taken from every class. In fact, the principle of selection is inclination to do the duty.

640. I wish you would answer the question. I ask you what class of persons, as a rule, these trustees are?—No class at all. Every class contributes to the trustees.

641. Cannot you say anything more general, as to whether they are merchants or shopkeepers?—No one can say that, because there is no mode of classification of that kind. You cannot reduce the City trustees to a class. I can say this, that they are a class who do not reside in the City.

642. Are they mostly engaged in business in the City?—I think a large number of them are, but a very great number of them are engaged in the spiritual cure of souls.

643. Mr. *Baring*.] I understand they are the trustees you do not represent?—I think we do to some extent.

644. Mr. *Bryce*.] To what extent do you represent the clergy?—To this extent; that where a representative has been appointed by a parish, we are then representing the whole of that parish, including the clergymen.

645. Would you say you represent the clergy; supposing the clergyman of a particular parish was opposed to your scheme, and was out-voted by the two churchwardens, or the other trustees?—I think so, in a very limited sense.

646. We understand what you mean now by representation. What means do you suggest the trustees have of knowing the condition of the poor in their parish?—Personal knowledge of the poor in many cases.

647. They do not live there altogether?—No.

648. They go there during business hours?—They are there during the day-time.

649. Are they occupied in business while they are there?—Sometimes and sometimes not. The administration of the charities in the City is a favourite occupation of gentlemen who have retired from business.

650. Do I understand that they are in the habit of coming from the country, or from the suburbs, where they live, into the City parishes, and there occupying themselves with ascertaining the condition of the poor?—I believe so, in many cases.

651. Could you give us some cases?—The gentlemen of the executive committee promoting this Bill.

652. Are they mostly retired from business?—Not all of them, but some of them.

653. They make it their practice to come into town and work amongst the poor?—I cannot go so far into the personal habits of these gentlemen.

654. I want to understand what it is you mean to tell us?—I mean to say the trustees take a personal interest in the poor, to whom they give their gifts.

655. How many trustees can you, of your own personal knowledge, say that of?—All that I know.

656. How many?—Eighty.

657. They are in the habit of giving personal attention to the condition of the poor?—Yes.

658. Will you bring us a list of them?—I can give the names of 500 or 600 gentlemen who do take interest in these charities.

659. I have not seen that list?—Who are trustees of the charities.

660. Trustees of the charities. I want the names of persons who occupy themselves by ascertaining by personal inquiry the condition of the poor in the parish?—That is impossible for me to say, but a general answer is applicable to
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this question, and you may take it all the trustees of all the City charities habitually do that.

661. That is the best answer you can give one?—That is the best answer I can give you.

662. That is sufficient for my purpose. Do you know that the Metropolitan Asylums Board is appointed by the Poor Law Guardians of the Metropolis?—Yes.

663. Do you conceive that they are not a proper body to appoint persons to sit upon the new governing body of the parochial charities?—It is no part of their business.

664. Do you conceive that the Poor Law Guardians of the Metropolis are not a body who may be expected to have some knowledge of how charity money ought to be applied?—I have no doubt they are, a great many of them.

665. Do you conceive that the trustees, whom you profess to represent, would object to the appointment of persons nominated by the Metropolitan Asylums Board?—They would not object to the persons but to the mode of nomination.

666. They would object to the nomination by the Metropolitan Asylums Board?—Yes, because that is not a sufficiently representative nomination.

667. Although they represent the poor law guardians of the Metropolis?—True.

668. Have you noticed upon the new governing body, as proposed by the Public Bill, there are five persons who would represent the City of London in one way or another, but only four who would represent the Metropolis?—That does not appear.

669. Have you noticed that three persons are to be nominated by the Corporation, one to be elected by the Fellows of Sion College, and one to be elected by the churchwardens?—The Fellows of Sion College could not be counted in that list, because they represent the clergy of the whole Metropolis.

670. That is not so; you are mistaken?—If I am mistaken I will at once admit it.

671. They represent the City and a few parishes outside the City?—The whole of the Metropolis.

672. No, certainly not?—I have been so informed.

673. Have you noticed that the whole of the Metropolis upon the scheme of this governing body has only four members, the City having five?—I think you have not got enough to represent any one of the constituencies.

674. You conceive that it is an inadequate representation for the City, although the City has a majority?—The whole representation is inadequate.

675. I ask you whether it is an inadequate representation of the City as compared with the Metropolis, because the persons nominated by Her Majesty may either represent the City or the Metropolis, as it may happen?—I think the representatives appointed by the churchwardens would be appointed by such a fluctuating body.

676. I point your attention to the fact that the City would nominate or elect five persons. Do you suggest that is an inadequate representation for a seat upon that board?—I do, for the City charities.

677. Can you tell me how much income you conceive would be withdrawn from the operation of the Commission by the provision in your Private Bill that scheme should not be affected which were made within the last 50 years?—I think that clause might be modified.

678. I did not ask you about that; please answer the question?—If you will allow me.

679. Tell me how much income would be withdrawn by that clause of yours?—I think that may be so modified.

680. I must ask you, once for all, to answer my questions; if you choose to go on and make volunteer remarks of your own afterwards you may do so, but your business is to answer my questions, Sir?—In regard to Clause 16, I say that it would affect a good deal of income; but I also say that the term 50 years might be considered, and that only such schemes should be excluded from interference by the Act as are of such recent date, and such beneficial operation that they may well be preserved.

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681. Can you give us any estimate of the quantity of income which would be withdrawn from the operation of the Commissioners by that clause in your Bill as it now stands?—About 40,000 *l.* a year.

682. Mr. *Walter James*.] How much of the 40,000 *l.* would be affected by the scheme promoted in 1877, in St. Giles, Cripplegate, parish?—That scheme in St. Giles, Cripplegate, includes 3,000 *l.* a year, of which some part is still open to a scheme to be promoted by the trustees of St. Bartholomew, Moorlane, and that would not be touched by this clause.

683. *Chairman*.] Will you describe to the Committee, somewhat more accurately or more closely, the difference between the two Bills in respect of the future management of property by the trustees of the charities?—The private Bill, if I may put my own first, retains the management of the property in the present hands. All the surplus income is to be ascertained by the Commission and handed over to a new governing body.

684. Only the income?—Only the income; that saves the enormous compensatory claims which must otherwise be considered by the Commissioners.

685. What are the compensatory claims?—Claims by the recipients of the gifts and by the official classes of persons concerned in the administration of the property.

686. Surely the difference must consist mainly in compensating those concerned in the management, not those receiving the charity, because they could be compensated under both schemes?—I cannot tell the exact proportion, but that is probably so.

687. What does the public Bill propose?—The public Bill proposes to leave five of the largest parishes in their present condition, and that the surplus income should be devoted to their use, which includes the parish of Cripplegate, which I represent. That makes a new circle within which the mischiefs that both Bills are intended to cure will continue, and seriously continue, and those five parishes will most likely, in the course of a few years hence, want another Bill for their fresh management. Then all the charities in the City are taken together out of the hands of the present administrators, put into the hands of a new governing body, and schemes framed for them in the same fashion as the other Bill.

688. Does it take the management entirely from the hands of the old trustees?—Entirely, as to the 106 parishes.

689. And vests it in the new Commissioners?—Not in the new Commissioners, but in the new governing body.

690. Whereas your scheme would leave the old trustees surviving; would leave them managers of their existing property, but would take from them their surplus income?—Yes.

691. So that you might have the case of a body of trustees having the distribution of a very small amount of charity within their district, and yet managing a very large amount of income, and handing the great bulk of that income only over to the new governing body for distribution?—Yes, but in order to prevent that anomaly and to provide for that case, we follow the recommendation of the Royal Commission, and intend it should have effect, that those trustees in such a case should hand over to the new governing body their capital and estate as well as the income.

692. That is to say, if they wish to do so?—The only difference is that their consent should be obtained.

693. But is it probable that they would give their consent?—Most probable that they would.

694. Why?—Because they would have no distribution of the money. The administration of the Charity is not a thing that the trustees crave in order that they may manage the property, but to benefit the recipients.

695. Why should not you provide that surplus property should be handed over at once, instead of leaving it to the consent of the trustees?—In order that there may be time for that kind of inquiry and joint and concerted action which comes out of the operation of trustees and Commissioners conferring together.

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[*Continued.*]

696. Do you think it would be desirable to leave a body of trustees in the management of a large charity fund of which but a small proportion was still left to their distribution?—Certainly it would not be desirable, and it would not happen.

697. Surely your Bill provides that it should happen, unless those trustees give their consent?—They do consent. They are always consenting to reforms of all kinds. They are here for that purpose.

698. Then you have such confidence in their reforming zeal, that you think they would do that which you do not provide should be done under the Bill?—I have had such experience of it. They are constantly reforming; and this Bill is a better Bill than the Public Bill.

699. Let us suppose the case of a body of trustees possessing charitable property to the extent, say, of 5,000 *l.* a year, and that under your Bill, as you propose it, they would be left with a distribution only of 1,000 *l.* a year; do you think it is probable they would hand over the surplus of 4,000 *l.* a year to the new governing body?—I think, in a proper case, they would. I think that is quite possible. I know this, that in my own parish the trustees of Elizabeth Palmer's Charity, finding they had only the management of the property itself, applied to the Charity Commissioners to divide the management of the property amongst the bodies entitled to receive the income, and that was done.

700. You stated that one of the objections to the mode of dealing with this question in the Public Bill was, that they would have to compensate largely persons engaged in the management?—Yes; and therefore we put that compensation clause that it should only extend for the lives of persons who are now there, which would prevent a great deal of the mischief to which your questions have just been pointed.

701. Does the Public Bill provide for the compensation of vestry clerks and other officers?—I think so; to the same extent and in the same language that our Bill does. There is no difference of opinion about that. We have adopted their clause.

702. Mr. *Firth.*] There is one question I should like to ask, arising out of a question put by the honourable Member for the City of London, with regard to the City poor-rate, and the Act for relieving paupers; I think the common poor fund only applies to about half the cost of paupers, the other half is borne by the localities?—I believe out-door relief is charged against the particular parishes, but the contribution levied upon the parishes is not levied in any proportion to the out-door relief, but in proportion to the rate provided.

703. As a matter of fact, it amounts to about half in London?—It does not affect the contribution at all.

704. But the whole of the cost of the paupers in London is not borne out of the common poor fund?—No.

705. That was the point of my question. Now, I should like to ask you this: have any vestry meetings been held. I see in this list you have six trustees and 70 vestry clerks; have any vestry meetings been held?—A great many. I think in almost all the parishes vestry meetings were held, as far as I know.

706. Can you tell me in this circular what your authority is for the statement that the Committee is advised that the contribution must be allowed as a proper expenditure of charity funds?—I have been asked that question by the Member for the Tower Hamlets.

707. Then it appears from this circular that you considered it necessary to oppose Mr. Bryce's Bill last year. I want to ask you if Sir Thomas Nelson, the Acting Remembrancer of the City, was acting on your behalf in the course he took with regard to that Bill?—I do not know that he took any course.

708. Did he act on your behalf?—Do you mean on my own behalf?

709. On behalf of this organisation?—I do not know. I never instructed him. I am not aware that he had any instructions to act. If he acted, he acted on his own motion, as far as I am aware.

710. Mr. *William Lawrence.*] The Charity Commissioners have been alluded to. They act as Charity Commissioners, I believe, in some schemes, and they act in other schemes under the Endowed Schools Act?—That is so.

711. Since

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[Continued.]

711. Since the abolition of the Endowed Schools Commissioners they are now amalgamated, and I do not think that is the case. With regard to the Endowed Schools Commissioners, could the parishes have had schemes to remedy the defects which they wished themselves to remedy?—In some few cases they might.

712. But in the majority of cases it would have been impossible for the Charity Commissioners to have sanctioned schemes under the Endowed Schools Act to remedy the defects in the charities which they wished to be remedied?—That is so in some cases.

713. And the Charity Commissioners were powerless themselves under their Act to remedy defects which you wished to be remedied in schemes?—Certainly.

714. And there was no possibility, if you went to the Court of Chancery under the present state of affairs with the permission of the Attorney General, of remedying your schemes?—The Attorney General moving the Court of Chancery, or the Court of Chancery moved by the trustees, could not have made the schemes that we are proposing in the Bill.

715. Then there were no other means for these charity trustees in order that their charities might be more beneficially distributed than they had the power so to do, except to get an Act of Parliament, whether public or private.

Re-examined by Mr. O'Hara.

716. Some comments has been made about your calling this Private Bill the City Bill. What did you mean by calling it the City Bill?—Because it was introduced by the four City Members and Sir Sydney Waterlow, and it was a convenient term to distinguish it from the Tower Hamlets Bill.

717. It was merely a short name to give it?—Yes.

718. You have been asked whether the City of London have petitioned against this Bill; have you got a copy of the Petition?—There is one here.

719. We were told just now that the City has petitioned against this Bill. This is the Petition, and this is the only important allegation in the Petition, as you will see. "Your Petitioners, while not objecting to the general principle and provisions of the Bill, considering that the definition of the metropolis in Clause 40 of the Bill requires alteration." Is that the extent, as far as you know, of the opposition of the City to this Bill?—Yes.

720. And it is limited to that definition of the metropolitan area?—Yes.

721. The Petition winds up on page 2 in this way: "Your Petitioners submit that the Preamble of the Bill, so far as it relates to Clause 40, is untrue, and incapable of proof." Therefore, as far as the opposition of the Corporation of London to the City Bill is concerned, or to the Private Bill, as it is called in this room, it is limited entirely to Clause 40?—Yes.

722. Now have you seen the Petition of the Corporation of London against the Public Bill?—No, I think not.

Chairman.] I think we may take it shortly that the Corporation of London object to the Public Bill.

Mr. O'Hara.] And further, that they object more to the Public Bill than to the Private Bill.

Chairman.] That we quite understand. We have got all these Petitions before us.

The Witness.] They say: "The object and purposes of the two Bills are the same; but the London Parochial Charities Bill is promoted by the trustees of the charities, and its provisions are in many respects more beneficial to the rights and interests of your Petitioners and the citizens of the City of London, and the recipients of the charities, than are the provisions of the Bill now objected to."

723. Now you were asked the question by an honourable Member with regard to your opinion as to the advantage of exhibitions, technical instruction, secondary education, or art education, and you replied very fully. Are you

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[Continued.]

aware that the two Bills, the Private Bill and the Public Bill, make provision for exactly the same objects in that respect?—Yes, and in the same words.

724. With one exception, that the Public Bill concludes “or otherwise as to the Commissioners may seem good”?—That is modified in the Private Bill.

725. In the Private Bill it stops at the words, “or of art education.” As this clause was put to you by an honourable Member, and you were asked a question about it, can you explain to the Committee why it is you object to the words, “or otherwise as to the Commissioners may seem good”?—I think they are covered by the final Clause 5. It is merely taking out a superfluity.

726. You were asked by an honourable Member with regard to the benefits of ecclesiastical charity property, and some stress was laid upon the fact of the surplus income being applied to the benefit of religious instruction of one class of the community, instead of being applied to religious purposes generally, for the general advantage of all creeds. If you look at Clause 15 of the Public Bill, and Clause 12 of the Private Bill, do you say that the concluding words of those paragraphs are just the same?—Yes.

727. So that, in fact, in both Bills they devote the surplus to certain purposes; spiritual ministrations in churches, and so on, in accordance with the doctrines, or by the ministers of the Church of England, as by law established in the more populous districts in the metropolis. In that respect the Public Bill and the Private Bill agree?—They do.

728. Now with regard to your representing the 86 parishes that have consented; do you still adhere to the fact that according to your view you represent the 86 parishes?—Yes, and 80 per cent. of the income.

729. Do you have that statement upon the fact of having met at your committee certain gentlemen who purported to represent certain districts?—Yes, that is one of the reasons for it.

730. And you conclude, naturally, they came there with power to represent those districts?—They were invited to be sent, and they came in consequence of the invitation.

731. You did not concern yourself to know how they were elected; but you asked for representatives, and when they came you accepted them?—Yes.

Mr. *Firth*.] I think you ought to ask him whether he did concern himself; because, otherwise, it is a leading question.

732. Mr. *O'Hara*.] Did you concern yourself as to how they were returned?—No, not definitely.

733. Was it in your power to attend the election of these different persons who purported to represent the different charities?—No, and it was before I had much to do with the management of it; that was done by Mr. Freshfield.

734. You were asked the question as to whether you had volunteered or whether you had responded to the invitation of the School Board to state all the particulars of your charities; may I ask you why you did not respond?—In my particular case because I did not get the invitation, but the question was more general than that.

735. Will you deal with it as it was put?—The general reason was that, as far as I understood it, the trustees did not feel that the School Board were authorised to make the enquiries they set about.

736. Was it because the School Board were acting under the authority of an Act of Parliament for a special purpose?—Yes.

Mr. *Firth*.] You have no right to put a question in that form. As a matter of fact, they acted most discourteously to the School Board.

737. Mr. *O'Hara*.] I am asking how they acted. I have only the fact as it is briefed to me. (To the *Witness*.) May I ask you when the Commissioners applied to the trustees; did they give the information that was required?—In the fullest manner.

738. May I ask you when the Public Bill was pending the last Session, there was

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[Continued.]

was a scheme proposed to carry into effect the views of the trustees?—Yes, and published in the newspapers.

739. What newspapers was the scheme published in?—The “City Press” and the “Citizen.”

740. Was it published *in extenso*?—In the “City Press” *in extenso*.

740*. *Chairman.*] Was that the whole scheme for dealing with the charities?—The City Bill; then it was called a scheme.

741. *Mr. O'Hara.*] Was it in the form of a scheme when it was published in the newspapers?—Yes.

742. How did it change from a scheme to a Bill?—Mr. O'Hara changed it from a scheme into a Bill.

743. No, he did not; he settled the scheme, but he did not put it into a Bill. What I want to know is, by what authority that scheme was turned into a Bill?—By the authority of the trustees.

744. Was that in consequence of any action taken at a public meeting, or otherwise?—At a public meeting it was authorised, held in August 1881.

745. Was there a resolution authorising that the scheme should be turned into a Bill?—Yes, and that steps should be taken to pass it into law.

[The Witness withdrew.]

Mr. John Baggallay, Sworn.

Examined by Mr. O'Hara.

746. Do you carry on business in the City?—Yes

747. Where?—Love-lane, Aldermanbury.

748. What as?—Manchester merchant.

749. Have you any connection with St. Bartholomew's Hospital?—I am a governor of the hospital.

750. Where do you live?—I live at the residence that is given me as treasurer of Bethlehem and Bridewell Hospital in Bridge-street, Blackfriars.

751. How long have you been in the City carrying on your business?—Since 1837.

752. What parish do you carry on your business in?—St. Mary's, Aldermanbury.

753. Are you one of the trustees of the estates of the parish?—Yes.

754. When were you appointed a trustee?—I forget the year; about 1873 or 1874.

755. Have you any other trust duties to perform in the parish?—I am trustee of the Church Building Fund or Church Reparation Fund, and matters of that sort. I have been churchwarden and overseer.

756. Have you filled the office of churchwarden of the parish?—I was churchwarden for four years in succession.

757. Have you taken any interest in the parish affairs?—I have taken a great interest for many years past.

758. Have you extended your interest to the management of the estates?—Certainly.

759. And the funds derived from those estates?—Yes.

760. Would you state to the Committee, first of all, what those funds are, and next, to what objects they are devoted; what are the particular funds that come to your hands for administration?—This is St. Mary, Aldermanbury. There is a very small charity poor fund not exceeding 40 *l.* or 50 *l.* a year, and they have another fund that the parish claim as their own private exclusive property.

761. What is the amount of that?—About 1,200 *l.* or 1,300 *l.* a year.

762. How do you spend those charities?—For the support of the services of the church, and paying the incumbent.

763. What do you pay the incumbent?—We are bound under an Act of Parliament to pay 250 *l.* a year, and we supplement that with a gift at Easter; latterly that has been 200 guineas.

764. The 250 *l.* is paid under the authority of what Act?—I really cannot tell you the Act. It has been settled by a very old Act of Parliament.

765. At all events it is paid under an Act of Parliament?—Yes.

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766. Now,

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[Continued.]

766. Now, what does the rest of the fund do?—We pay a large sum of money, about 200 *l.* or 250 *l.* a year to the overseers.

767. For what purpose?—Practically, it is in diminution of the rate.

768. In ease of the poor-rate?—Yes.

769. What else?—I think that will clear it all up; then we make several small gifts to the hospitals and dispensaries and schools in the immediate neighbourhood. We pay the vestry clerk a salary.

770. *Chairman.*] What is the present population of the parish?—

Mr. Firth.] One hundred and sixty-eight.

I thought it was 300. There are 90 odd in the rate-book.

Mr. Firth.] It was 308 ten years ago.

771. *Chairman.*] How many inhabited houses are there, do you know?—I really cannot say.

772. I see there were 39 only in 1871?—It is a small parish, and the tendency has been to reduce the number.

773. *Mr. Baring.*] What does the rest of the money go in?—I think that would use up all the money; I see the expense of administration during my four years of office came to 20 *l.* a year. The church expenses came to 450 *l.*; that is the maintenance of the services of the church.

774. *Mr. O'Hara.*] What do you say as to the mode in which these funds are spent?—I think they are spent most economically. During the four years I was in office, or rather I can speak of three years only, because I could not find the fourth book, the expenses were under 20 *l.* a year.

775. *Mr. Firth.*] Will you say what years you were in office?—Eighteen hundred and sixty-one to 1864. I was in office from 1860 to 1864.

776. *Mr. O'Hara.*] Now have you taken my part in the promotion of the Private Bill?—I have, a very active part.

777. Would you state to the Committee what part you have taken?—I attended one of the earliest meetings at which we first of all tried to invite the co-operation of the churchwardens generally. We then found we had rather made a mistake; that they were a changeable body going out of office every year, and that many of them were not really trustees of their charities, and knew nothing about the charities, so we rather changed our ground, and then invited every parish to send us a trustee who could act permanently with us. From those trustees we elected an executive committee. I had the honour of being chosen one myself, and our business has been to draw up this scheme, and from time to time to submit it to general meetings of the trustees, and we have had to alter our scheme to meet their views.

778. Now does the Private Bill, as it is called in this room, meet with your approval?—On the whole, yes. There are some few little things, but no one can, perhaps, approve of every item in such a Bill as that; but, on the whole, I approve of it.

779. Now what is your opinion as to the Public Bill?—In so far as it differs from the Private Bill, I object to it. I think it will not work well, and will be altogether injurious to the interests of the charities.

780. *Mr. Firth.*] The population of this parish is 168?—I am not aware of that.

781. And the income derived is 1,386 *l.* according to the last Report of the Commission. Can you tell me how much of that 1,386 *l.* is available for charitable purposes, for the benefit of the poor?—A very small sum; under 30 *l.* a year.

782. Do you receive 9 *l.* 10 *s.* still from Lady Gresham's Charity?—£. 3 from Lady Gresham.

783. I will ask you a question as to that, as it illustrates other cases. That was a case in which I think property, which now brings in more than 1,000 *l.* a year, was left when it amounted to a very small sum, charged with 9 *l.* 10 *s.* to this parish?—I think three or four parishes participated to the extent of 3 *l.* each.

784. The share of this parish is 3 *l.*—Yes; I know nothing of the present value.

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[Continued.]

785. For what purpose do you say that the balance of this 1,386 l. is properly applicable?—I do not quite follow the question.

786. For what purpose do you say it is properly applicable?—It is for the benefit of parishioners, householders of the parish. It has not been left by deed or will, but it is property which has been purchased.

787. *Chairman.*] Then it is not a charity, properly speaking?—Not as we consider.

788. Not in the ordinary sense of the term?—Not in the ordinary sense of the term.

789. *Mr. Firth.*] That is what you consider?—That is what we consider.

790. As a matter of fact, you are not able to trace the origin of this fund?—Certainly.

791. Are you able to trace the origin and growth of all the money which you say belongs to the parish estates?—I think we can. I know on certain occasions the parishioners have agreed amongst themselves to raise a voluntary rate to buy property, and have agreed to a double assessment to buy property.

792. Do you say that you can show that either the whole, or a considerable part, of the present income of the parish estates is derived from estates so purchased?—That is my belief. The parishioners have used it in any way they have thought proper.

793. Give me any one single illustration of a property bought and dedicated to the use of the parish in this parish?—This property was of very different value when it was bought; it has very largely increased in value.

794. That is an observation on the merits; give me an illustration of the fact?—I am speaking now merely from memory; but I have a recollection of finding in the minute-books a case where the parishioners agreed to pay double the amount they were assessed to the poor, in order to buy certain property. On another occasion they raised 500 l. by voluntary rate to buy certain property which, as it was hundreds of years ago, does not represent the value of that property now.

795. Do you suggest there is any public record of this?—Yes, in the vestry books of the parish.

796. Because I notice in this Report it says that no history as to the origin and growth of these trusts has been found?—What is the date of that inquiry?

797. One thousand eight hundred and seventy-six?—Oh, yes, long before that.

798. Now, as to your method of appropriating this. Have you a church now that is going on?—Yes.

799. Is it open at the present time?—Yes.

800. It was closed this time last year?—It was closed for repairs.

801. You give the clergyman 200 guineas, in addition to the 250 l.?—Yes; we used to give him 100 guineas.

802. How many householders are there in the parish. You say the property belongs to the householders?—I do not know.

803. Are there 50?—I should have thought there were more than 50 houses; but I think you told me there were only 39.

804. *Chairman.*] I said 39 inhabited houses in 1879?—I thought there were more than that.

805. If there were 308 persons living in the parish in 1871, and now there are only 168 persons, one may imagine that the inhabited houses have diminished in proportion?—They may have gone away, but the houses are there still.

806. But by inhabited houses one means houses inhabited during the night-time. Inhabited houses are not houses devoted to shops and warehouses, but houses in which people are living the night-time?—I could not say that.

Chairman.] That is what it does mean; therefore, it is quite possible the inhabited houses have diminished proportionately as the inhabitants have diminished.

807. *Mr. Firth.*] How is the form of expenditure decided upon?—In vestry.

808. Have you been at a vestry meeting lately?—Yes.

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809. How

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[Continued.]

809. How many people were there when last you were there?—About 15, but that was rather more than the average number.

810. You must have had something special?—It was rather special.

811. Would not three or four be the average?—No, I should think generally 10 or 12.

812. I see you give the vestry clerk 130 *l.* a year?—Yes; he is assistant overseer as well.

813. Do you consider he is sufficiently well paid?—I think not, in my own opinion.

814. You give the organist 50 *l.*, the lecturer 15 *l.*, the beadle 25 *l.*, the church attendant 20 *l.*, and the church choir 58 *l.* 11 *s.* We have not got the number of people who go to the church. Then you give the incumbent 250 *l.* a year as a regular income, and you give him 200 guineas more?—We have done so lately. He has no residence.

815. Then you give 250 *l.* to the poor rate and some you invest. Would you tell me what would be the effect of this City Bill, as you judge it, upon your parish?—Very likely to take it away from us.

816. To take all this away?—Possibly.

817. How would you keep your church running?—We must do it then by church rate or by some other means. I believe we are entitled to retain it, but that will be for these Commissioners to decide.

818. You are quite willing it should be taken away?—I am not willing, but I should submit if it were so decided.

819. Do you think these 48 householders could continue to run this church at this enormous expenditure?—It is not absolutely necessary for the support of the church. If we made a rate we could not give any extra money to the clergyman, for instance.

820. Sir *Matthew White Ridley.*] I see from the returns of the Commissioners the trustees invested a sum of 113 *l.*?—That is towards the substantial reparation of the church. Year by year we do the small repairs and put something by every year for a restoration fund.

821. That would not be the way that the parish property has been bought, from the surplus income?—No; we spent 400 *l.* upon the occasion the chairman has referred to in the re-decoration of the church.

822. You are not in favour of either of these Bills before the Committee, but you think the City Bill is the best of the two?—Well, it is my own child.

823. You are in favour of that because you think something must be done in the matter?—There are trifling divergences on which I should not agree, but they have been introduced to satisfy other people, and on the whole I approve of the Bill.

824. Name one or two of the special points on which you prefer your own Bill to the public Bill, I do not think you have been asked that question?—Our own Bill gives us possession of the corpus of the property, and the management of the property. We are living on the spot, and speaking for my own parish, I feel I can better deal with the property, which is house property in the neighbourhood, than persons living up this end of the town could.

825. Is there any other matter which you would like to point out showing the superiority of the City Bill, in your opinion, over the Public Bill?—I think that our representative new governing body is preferable to the one proposed by the Public Bill. Our Bill gives 50 members, but if that should be too large, we think the Public Bill too small in number, and not sufficiently representative of the interest concerned.

826. Mr. *William Lawrence.*] If I understand you rightly, the property of this parish is partly in the parish and partly in the adjoining parishes?—It is all in the parish.

827. The whole of the property of the trust is in the parish?—Yes. The income is derived from three or four houses in the parish.

828. I suppose there has been a very large increase in the value of this property in the parish?—Not so very large as in some parishes; but there has been a considerable increase.

829. You have been asked with regard to the population diminishing. As has

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[Continued.]

has been said by the chairman, the sleeping population has diminished. But is not there a much larger population in the daytime now than when there was a larger sleeping population many years ago?—That is my belief.

830. Although the number of houses may have diminished, I believe there is no diminution in the space covered with houses in your parish?—None whatever. My house represented originally seven or eight.

831. I believe in your parish that there have been very large improvements; the houses have been carried up much higher, and there are more storeys than formerly existed?—Yes.

832. So that there is really in your parish a much larger superficial area used for business purposes than was used formerly when the houses were larger in number?—Extremely more than when I went into it.

833. And it is the case with some of the warehouses, that in order not to pay a house tax, they have no person sleeping on the premises?—That is the case.

834. And that would be one means of diminishing the sleeping population in your parish of the City of London?—Quite so.

835. So that although the property in your parish is far more valuable, and rated much higher to every rate, whether to the poor, or to the Metropolitan Board of Works outside the City, and although the business carried on is much larger in amount, and the returns to the property tax are larger, yet the inference which would be drawn by those who take simply the sleeping population would be that it was a diminishing decaying parish?—The rateable value has more than doubled in my time.

Mr. *Firth*.] But our Bill does not propose to benefit any but the sleeping population.

836. Mr. *William Lawrence*.] I am not going into that part at present. (To the *Witness*.) At the present time this parish is of greater importance than it was formerly, both with regard to business and with regard to rateable value?—Quite so, it has doubled in my time.

837. I believe you have had very great experience with regard to the management of estates and property?—I have.

838. You are not only Governor of St. Bartholomew's Hospital, but I believe you are governor of several other hospitals?—Yes.

839. I believe your father was Treasurer of St. Bartholomew's Hospital?—Treasurer of St. Thomas' Hospital.

840. You are the Treasurer of Bethlehem and Bridewell Hospitals, I believe, and are largely brought into connection with the estates connected with the hospital?—I am.

841.—And they are scattered all over the country?—Yes.

842. From your experience in the management of property and estates, do you think the estates in your parish could be managed in a more economical way than at the present under any other system?—Certainly they could not.

843. Mr. *Walter James*.] Would you explain to me why it was the representative from your parish declined to give evidence before the Royal Commission?—I could not say the reason that the vestry so decided.

844. Will you state their reasons?—I cannot say what their reasons were.

845. Did you attend any vestry meeting?—The vestry clerk attended, but I believe his tongue was tied to a great extent by the vestry.

846. You must have attended some vestry meeting, I imagine, at which the possibility of a deputation or representative being sent from the parish before the Royal Commission was discussed?—I am not sure that I was present, but I have seen that the Vestry declined to give the information.

847. Can you tell me on what ground?—I cannot.

848. You are quite unable to state the grounds?—I do not know what the reason for it was.

849. The fact was they did decline?—They did decline.

850. A good deal of the Report of the Royal Commission was based on certain reports brought under their notice by Mr. Hare, the Charity Commissioner; are you

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[*Continued.*]

you acquainted with Mr. Hare's Reports?—Yes, I have read them and looked at them, but I cannot say that I am acquainted with them.

851. I should like to ask you this: There is Lady Gresham's Gift, Davy's and Ecclestone's Gifts, Wynne's Gift, and the parish property?—Yes.

852. Can you tell me of what the parish property consists?—Yes; it is three houses in the parish of Aldermanbury.

853. Where are they?—One is No. 12, Aldermanbury, and perhaps the other should be called two, 18 and 19 together. Then there is a third one in Love-lane.

854. Did you state that you resided in Love-lane?—Yes.

855. Do you reside on those premises?—No; immediately opposite.

856. What is the total rent of these premises now?—Between 1,200 *l.* and 1,300 *l.*

857. Has not that been considerably increased in recent years?—About 20 years ago there was an increase of 400 *l.* or 500 *l.*

858. There are two reports. There is one report of November 1860 and of January 1871?—You will there find the house let at 90 *l.* a year is now let at 590 *l.* There was a long lease which fell in.

859. Mr. Hare reported on the 18th January 1871, that there were "three houses in Aldermanbury and the premises in Love-lane, producing rents of 742*l.* 1*s.* 8*d.* per annum, with the prospect of considerable increase of value on the termination of their existing leases"?—That one has expired, and the lease that was 90 *l.* a year is now 590 *l.* I think that is the only increase at present. In 15 or 20 years there will be another increase.

860. Will you explain to the Committee in your parish what is the exact distinction between the property which is charitable property and the property which, according to the allegation of your vestry, and according to certain statements I see in Mr. Hare's Report, you seem to dispute as being charitable property at all?—The one has been left apparently for charitable purposes, for poor purposes, and the other we have bought with parish money; acquired by money subscribed by the inhabitants.

861. Was it stated to Mr. Hare that the trust deeds for this property could not be found?—I think not; we have the trust deeds.

862. You possess those trust deeds?—Yes; some of them going back to 1300. I think 1308 is our first deed.

863. Then is this property which you say was bought by the parishioners at that time?—No, after.

864. In the year 1308?—No; we have not possessed it all that time, but we have got the deeds back to that time.

865. When was this property bought, which you say belongs to the parish, and which you dispute being charitable property?—In 1600 and odd.

866. Have you got the deeds of purchase at that time?—I believe so.

867. Will you tell me something about Benn's Gift. What is Benn's Gift?—That was a gift that was lost sight of for some considerable time. The parish had a small plot of ground over in Southwark, and putting this and that together, I think from some remarks made by Mr. Hare probably, we looked that up, and found, or believed, that that was Benn's Gift. It was 3 *l.* a year over in Blackfriars. That was sold, and with that we bought a land tax secured on one of the houses in Aldermanbury.

868. Do you account to the Charity Commissioners for that. Are the accounts sent to the Charity Commissioners under Benn's Gift?—I cannot say; I expect so.

869. Not to your knowledge?—Not to my knowledge; I have never seen the accounts sent to the Charity Commissioners.

870. Is all the property in your parish, except Benn's Gift, charitable property, and is Benn's Gift in particular that which you hold is not charitable property?—No, we think that is charitable property. We presume that to be the 3 *l.* that had been lost for many years.

871. In your parish I want to know how much you consider to be distinctly charitable property; and how much property bought by the parish?—I consider Benn's Gift to be charity money, Lady Gresham's Gift to be charity money, and another

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[Continued.]

another small one, Davy's; and Ecclestone's and Wynne's. Those altogether amount to something less than 30 *l.* a year.

872. According to Benn's Gift there appear to have been six houses built on land, and 100 *l.* received as compensation for frontage to a depth of 15 feet, and the rents appear to have been absorbed in the parish funds. The Commissioners state that "if this property was, as we consider, derived from Benn's Gift, probably it was not intended by him that part thereof should be received in aid of the general parochial funds; but in consequence of not having discovered his will we are unable to state what are the objects to which it is appointed"—What is the date of that.

873. That is the report of 1874?—Since then we have found ourselves that the 3 *l.* charged on this property on the other side of the water was this special fund.

874. Is there only 3 *l.* coming from Benn's Gift?—There were charges on the land, and as it was sold the charges were paid off, and the balance has been invested in buying this land tax on one of the houses in Aldermanbury, and that we treat as poor money.

875. What became of the rest of it?—That was all; it was a very small sum. The exact sum can be furnished; I can furnish to the Committee the sums received.

876. What is the value of it at the present moment?—It was in the funds for some time.

877. Where is it now?—It has now been used in buying this land tax.

878. Was all of it absorbed by that land tax?—Yes.

879. The whole of it?—Yes; we sold a large piece of it to Barclay's.

880. In Mr. Hare's report of 1860 there are the particulars with regard to the salaries of the officers of your parish; I see the salary of the parish clerk was 30 *l.* in those days, and now it has gone up to 137 *l.*; the organist was 40 *l.*, now it is 80 *l.*; although your parish has diminished, the expenses of the officers have increased——

Mr. William Lawrence.] The organ has not diminished.

Mr. Baring.] Perhaps the service is better kept up now than it was then.

881. *Chairman.*] I understand you approve of the City Bill, and disapprove of the Public Bill?—That is so.

882. I should like to know what you consider would be the effect of the City Bill upon your charities; have you considered what the effect would be?—That is the Trustees' Bill, may I call it.

883. Yes?—We shall have to have our property enquired into, and if we are not entitled to retain it, we shall give it up with a good grace.

884. What do you consider would be handed over for the general purposes of charity outside your parish?—Nothing much, I imagine.

885. You consider that that would be the effect of the Trustees' Bill; that there would be an enquiry held into your funds, and that it would result in nothing being taken from you?—I think not.

886. And it would continue to be disposed of exactly in the future, as in the past, and that the 1,300 *l.* would be distributed by you as the vestrymen thought fit, mainly for church purposes, and giving 30 *l.* a year for charity. Is that, in your opinion, the effect of the Trustees' Bill?—I can hardly say that.

887. You told me, just now, you thought it would leave things very much as they are?—I think it would not interfere with that property which I call parish property.

888. It would only interfere with that balance which you call charity property, and which you told us is under 30 *l.* a year?—And which there is very good use for.

889. Then you expect the result of the Trustees' Bill would be to leave the 1,300 *l.* a year in the management of the trustees, to be disposed of in the future as they have disposed of it in the past. Is that so?—I think that would provide a tribunal by which this question might be decided.

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890. You

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[*Continued.*]

890. You have great confidence that that would be the result?—Of course I look at it from my point of view.

891. You would be left in the disposition of your property to deal with it in the future, as you had in the past?—I think so.

892. Therefore, I presume, we may consider that about 30 *l.* or 40 *l.* a year would be given in charity out of the whole funds?—We supplement our charity fund considerably out of this fund; perhaps I did not mention that, because our poor, being very few in number, they do not require it.

893. Then there are no objects for charity, practically speaking, in your parish?—Very few.

894. Therefore, if this is to be considered a charity fund at all, there are no objects for it in your parish?—It will be taken away from us.

895. You think the effect of the City Bill will be that it will not be taken away from you, is that so?—My opinion is the same in both cases. I think we should hold it. I think we should prove our title to it.

896. You have considered that that would be the effect of the City Bill, that it would not be taken from you?—I think it would be the same thing under either Bill.

897. I want to know about the City Bill first?—I think we should retain it.

898. Do you consider it is charity property?—No.

899. Do you consider it is church property?—No.

900. Do you consider that you are entitled, or bound to go on paying 200 guineas a year to the rector, beyond the 250 *l.* a year which I understood you were bound to pay him under a Statute?—No, we are not bound to pay any of these payments unless ordered by the vestry year by year.

901. Then it is not church property?—No.

902. Then that applies to other payments under the account of your payments, namely, those items devoted to the maintenance of the church in various ways?—Quite so.

903. You are not bound in any way?—I hold that the whole of that income is at the disposal of the vestry for the benefit of the householders.

904. To do as they like with?—Yes.

905. To give it to the clergyman, or anybody else?—Practically.

906. Might they give it to a Nonconformist minister if they thought fit?—Clearly.

907. They can do anything they liked with it?—The vestry are all-powerful upon that question.

908. Do not you think, under those conditions, the Charity Commissioners, or anybody, the question might go before would consider that you ought to devote the funds to some public purpose; I will not call it exactly charitable purpose, but some public purpose, and that you are not justified in doing as you like with it?—That is really the whole question.

909. You think they would not?—I think we shall be able to show that body that it is all our own money, and as much our own as my own freehold is mine.

910. And that it is not impressed with any public trust of any kind?—Not of any kind.

911. You may do exactly as you like with it; give it to a clergyman, to a Nonconformist, or to anybody?—In any way for the benefit of the parishioners' householders. It must be something that benefits them.

912. I want to know what effect you consider the Public Bill would have on your fund?—I do not think it would make any difference in that respect, except that it would take the corpus from us.

913. They would take away the management from you?—They might do that.

914. You think that the body in whom the property would be vested in the future, would be compelled to pay over the proceeds to you to dispense as you have done in the past, and as you propose in the future?—Yes.

915. To do as you like with?—Yes.

916. You

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[Continued.]

916. You think that would be the effect?—That is what I think would be the effect.

917. That is what you mean to contend would be the effect?—Yes.

918. You consider there is no public trust whatever impressed on the funds you have at your disposal?—There is a trust, because it is for the benefit of the parishioners, householders. Those are the words used.

919. But when the householders are reduced to 15 in number, do you consider there is any public trust over and above that?—That you are justified only in considering the interests of those few people still residing within the parish?—I call myself a householder, though I do not live on the premises. I am rated at 2,000 *l.* a year.

920. You consider the holders of property within the parish householders?—The occupiers of the property are householders.

921. You do not sleep there?—I do not sleep there, but my people do.

922. Your real objection to the Public Bill is that it vests the management of the property in the governing body?—That is the greatest objection.

923. You do not think, otherwise, it would have any different effect to the other Bill?—I think not.

924. You think, in both cases it would be held?—In either case I imagine it would be inquired into, and the result would be the same under each Bill.

925. In both cases it would be held that you would be entitled to do as you like with that property?—That is what we claim,

Chairman.] Then I take a different view from you.

926. *Mr. William Lawrence.*] I should like to ask one or two questions upon that; I understand you consider that this property to which you allude is held in common by the parishioners as their property?—I do.

927. And that it is within the discretion of the trustees of that property to use it for the benefit of the parishioners, whether by paying the clergyman a salary in addition to the organist, the sextoness, repairs of the church, or any other matter that will be beneficial to the parishioners?—It requires something to put the trustees in motion, and that is, the parishioners in vestry assembled. The parishioners in vestry can order anything.

928. *Chairman.*] How many people usually attend the vestry?—Twelve or fifteen.

929. I thought you said that was an unusual number?—Fifteen was rather unusual.

930. What is the usual number?—Ten or twelve. Sometimes there are a good many more. But there are no more when there is only ordinary business to be transacted.

931. *Mr. William Lawrence.*] You have been asked with regard to the two Bills, and you have been asked whether you consider this is a right state of things for the parish. I will ask you whether you do not consider this is the state of things according to the law under which you hold the property. You have no idea that there is anything contrary to law in distributing the property as you have previously done?—Certainly not.

932. You consider you have as much right to this property for the parish as an individual has to his own property?—Quite so.

933. And the suggestion is that that right may be inquired into or disputed, and you may be confirmed or not confirmed in that property; but you are willing to submit if it is the pleasure of the Commissioners appointed to inquire into that?—Certainly.

934. Then if the Commissioners inquire into it under either Bill, and they should decide that you are not entitled to the whole of the property, are you of opinion that the mode in which the surplus, which would have to be distributed, is better defined in the City Bill than in the other Bill?—I do, because it gives each other poorer parish in the City a first claim before it goes to the outsiders.

935. Then I take it that if it should be decided that it is not according to the views of the time, or in any other manner, that may be provided, that you are to hold your property as you have hitherto done, and have the power of distributing

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[Continued

it, you would much prefer to be placed under the City Bill than to be placed under the other Bill?—Certainly.

936. *Chairman.*] One question upon that. Supposing the Commissioners should hold that any portion of your property is held for public purposes, then the proceeds of that would in future be given to poor people living within the parish, rather than people outside?—And to other parishes. Our Bill treats of other poor parishes.

937. Supposing you had any funds distributable for that purpose, why should they be given to the poor in other parishes in the City, rather than the poor in other parishes of the metropolis?—Well, one reason I would give is this. When people are turned out of their own homes, they go as near as they can to their work. I may push them from my parish and send them into the adjoining one, where there are smaller houses.

938. Do you think it more likely that any of the people living in your parish, when they were turned out, by houses being occupied by bigger premises, would have gone into other parishes in the City, or is it more likely that they would have gone into other houses in the East of London?—No, they have gone into neighbouring parishes, such as the parish of St. Giles, Cripplegate.

939. *Mr. Firth.*] How many poor have you in your parish?—About six.

940. *Chairman*] Supposing instead of your poor being reduced to a minimum, you had a considerable number, should you consider these funds applicable to the relief of those poor?—We should relieve them certainly as we do; we do relieve some now.

941. Do you not consider you would be bound to do so?—We should be bound in this sense, that we should relieve the rates by doing it.

942. You do not consider there is a moral obligation on you as trustees of the property, whatever it may be, to relieve whatever poor there may be in the parish?—I should consider so, if, in so doing, we were relieving any onus or burden on the rest of the parish, because I understand the money to be left for the benefit of the parish at large.

943. That being the case, you think that the Commissioners or anybody enquiring into the thing, would hold it to be otherwise than a charity?—That is so entirely a legal question, whether we are entitled to hold it or not, that I would rather not give it as an opinion.

944. *Mr. William Lawrence.*] Are you not aware that where money has been used in other parishes for the relief of the rates, they have been forbidden to do so, and are not doing so at the present time?—I really do not know anything outside my own parish.

945. It is a very important point, because this follows from it, that while the other parishes have been debarred from using their funds for the relief of their rates, you have never yet been debarred from using your funds in paying the overseers to relieve the rate?—No, we have not.

946. *Mr. Bryce.*] Do you consider it a proper application of your charity funds to relieve the rates?—Viewing it as I do; that it is not a charity fund.

947. With regard to charity funds, would you consider it a proper application?—Certainly, not charity funds.

948. I should like to know what you conceive to be the nature of the right of the trustees. I understand the trustees to speak as if they had a right to continue in the management and administration of the trusts. What do you suppose that right to be?—We have had trustees from time immemorial who have been appointed.

949. I mean the right of the individual persons. Should you, speaking for yourself, as a trustee, and anxious to do the best for the charity, think you were entitled to remain as a trustee, if it could be shown that the cessation of your body of trustees would be a benefit to the objects of the trusts; that money would be saved to the object of the trusts. Should you consider you were, nevertheless, entitled to go on as a trustee?—I have no wish to remain a trustee whatever. I only want to do the best that can be done for the trusts.

950. You would be perfectly willing to relinquish your position as trustee if it could be shown it was for the benefit of the trust?—I get no thanks or payment for it, so I should be willing to give it up.

951. Have

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951. Have you any objection to the objects proposed in the Public Bill for the application of the charity funds?—No, beyond this, that we think it embraces a larger area than there could possibly be funds to meet.

952. A larger local area, or too many objects?—I think the surplus will not be so large probably as is anticipated, and therefore cannot be applied to so many and multifarious purposes. We have put down those we think more urgent. I have no objection to accept any coming within the extent of the fund.

953. Have you any choice between the metropolitan police district and the narrower area suggested of the Metropolis?—I should allow any surplus to go round.

954. Mr. *Walter James*.] With regard to the vestry meeting that was held at which it was determined not to present evidence to the Royal Commission. You cannot speak of that to your personal knowledge; but can you tell the Committee anybody that could?—By referring to the vestry-book I could see who were present; but I suppose it would merely state whether the resolutions were carried in the affirmative or negative. Probably I should not see who were the speakers; but I imagine it was, speaking from memory, that really our income is so small, only 30 *l.* a year.

Friday, 31st March 1882.

MEMBERS PRESENT:

Mr. Baring.
Mr. Bryce.
Mr. Corry.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.
Mr. Walter James.

Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Mr. Arthur Peel.
Earl Percy.
Sir Matthew White Ridley.
Mr. John Talbot.

The RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

Mr. *Edwin Freshfield*, sworn; Examined by Mr. *O'Hara*.

955. WHAT are you by profession?—A Solicitor.

956. Where do you carry on your business?—No. 5, Bank-buildings, in the City of London.

957. In what parish are Bank-buildings situate?—My room is situated in two parishes; in St. Margaret's, Lothbury, and in St. Olave's, Jewry, but I have been principally connected with St. Margaret's, Lothbury.

958. May I ask you whether you and your family have long been connected with the City?—I was born in the City, in the house where we carry on business; my father was born there before me, and we have occupied the house ever since it was built. My mother was born in the adjoining parish, and she and her family have lived there since the time of King Charles the First.

959. How long have you yourself lived there?—I shall be 50 years old next November, and I have lived there all my life, except that portion of one's life which is called education.

960. Who are the principal parishioners in the parish of St. Margaret, Lothbury?—The Bank of England, the London and Westminster Bank, the Northern Assurance Company, and a quantity of large mercantile firms. The Grocers' Company have some property there.

961. What is the number of persons employed in the Bank of England?—It is under 1,000, I believe it is somewhere about 800.

962. Let me take you to the year 1868. Did you then become officially connected with the parish of St. Margaret, Lothbury?—I did.

963. In what capacity?—Some misfortune had happened to the parish funds, and I was then asked by the then Governor of the Bank of England to be churchwarden, in order to see that a similar misfortune did not happen again.

964. I do not know whether, when you became churchwarden, you became *ipso facto* one of the trustees for the parish property of St. Christopher-le-Stocks?—Yes, I did.

965. As churchwarden, you became a sort of official trustee?—Yes.

966. Is the parish of St. Christopher-le-Stocks a single or a united parish?—It is united to the parish of St. Margaret, Lothbury. One church serves for the two.

967. After becoming a trustee of Mary Barnes' Charity, what was your first experience as to money?—I found that there was a considerable accumulation of money; I think, amounting to about 1,400 £., which had been the accumulation of some years. Mary Barnes' Charity was a charity for apprenticing boys, the sons of resident parishioners. My predecessors did not seem to have taken any

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[Continued.]

any steps to find out if there were any children to apprentice, and hence this accumulation. The property consists of a small farm at Steeple Claydon, producing about 50 *l.* a year ; it is rather short of that.

968. Finding that the boys had not been apprenticed, and that the money had accumulated, what did you then do?—I carried a scheme ; when I say “I,” I mean I and the other trustees with me, we carried a scheme ; I think it was through the Endowed Schools Commissioners then, but afterwards, I think, it came to the Charity Commissioners, and we gave the accumulations to the corporation of the middle-class schools, and at the same time we got a scheme for allowing us to send boys of the parishioners and of people working in the parishes of St. Margaret, Lothbury, St. Christopher-le-Stocks, and St. Bartholomew-by-Exchange, which latter is also united to St. Margaret, Lothbury, to the corporation of the middle-class schools.

969. Was that privilege that you obtained confined to the sons of resident parishioners?—No, it was to people working in the parish.

970. In that parish, or in any other?—In the three parishes that I have named ; and I think we might go beyond those, but it was primarily for those three parishes. There was also a provision in the scheme that we should first try to apprentice boys.

971. Was that scheme published and made known?—Yes.

972. What was the result?—The result of it was that for the first few years we had applications for apprenticeships ; I did not encourage the apprenticeships. In time the apprenticeships ceased to be applied for, and now we have, I think, 12 boys, sons of resident parishioners, and sons of people working in the parish, being educated at the middle-class schools, and I hope when I get back to the City I shall find we have appointed four more.

973. Has that power of sending boys to this school, in your opinion, worked well?—Very well indeed.

974. Supposing you had larger funds at your disposal for such a purpose, could you make use of them?—I think so, most undoubtedly.

975. Some gentleman was asked on the last occasion as to what interest the City trustees took in City matters. I would ask you to state to the Committee your own experience, or rather your own course of conduct in relation to City charities?—I also found that I was one of the official committee of the Coleman-street Ward Schools, which is an endowed school, with an endowment of some 3,000 *l.* in Consols. I went to the school to see the school (the parish of St. Margaret, Lothbury, is in the ward of Coleman-street), and I found there were 35 boys there and 25 girls who were being educated and clothed gratis. I also had a nomination given me, and I went to several people in the parish of St. Margaret, who I knew had got children, to offer the nomination to them. They declined to accept the nomination, saying that they did not wish their children to go to the same school with children who came out of the alley ; meaning, I believe, Bell-alley, which was a small and very poor place adjoining St. Margaret, Lothbury. So I went to see the school, and I found that the children were of a very poor class indeed.

976. May I asked you how that school is maintained?—That school is maintained partly by the income from these Consols and partly by voluntary contributions.

977. Is that a voluntary contribution from the children, or from the parish?—From the parish. I looked into the state of the children, and, in the result, it seemed to me that the children ought to have some food provided for them also, and I arranged that the 35 boys should have dinners three times a-week ; a plain dinner with meat and potatoes. Some people in the parish joined to do the same with the girls. All the children in the school now have these meat dinners three times a week. The girls cook for the boys ; lay the table, and the boys are taught to eat and drink and behave at table like Christians. Since then the boys have been increased to 50, and the girls from 25 to 42.

978. How has the expense of those dinners been met?—I did not particularly wish that question asked ; I pay for the boys' dinners myself.

979. *Chairman.*] You say this charity was supported partly out of endowment and partly by subscriptions?—Yes.

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[*Continued.*]

980. What is the proportion of subscription?—May I give you the report?

981. I only want, roughly, to know the proportions?—Apparently it is 431 *l.*, of which 104 *l.* is from the endowment.

982. Are the subscriptions from persons living within the parish?—Living in the parish, and in the ward.

983. Mr. *William Lawrence.*] Do the children pay anything?—Now, since the number has been increased, the children pay. What it says about it is this: “The number of clothed children remains as before, 34 boys and 25 girls; of the remainder, five in each school are received as free scholars on probation; and the other children pay a weekly fee, and from them, if found deserving, and according to merit, vacancies are filled up among the clothed or foundation scholars by the presentation of the subscribers in the usual way.

984. Mr. *O'Hara.*] Have you said all you wish to say about the ward schools?—Yes, except this: Finding the children of the better class of the poor people in St. Margaret's, Lothbury, would not go to the ward schools in part induced me to carry through the scheme for the Mary Barnes' Charity for sending the children to the middle-class schools.

985. Are you a trustee of the parish property of St. Christopher-le-Stocks?—Yes.

986. Who are your co-trustees?—My co-trustees are the rector, and my co-churchwarden Mr. Kingdon. The legal estate is vested in us, and we are directed by Act of Parliament to do certain things with the income, and whatever residue is left we pay to four trustees for the benefit of the parish of St. Christopher-le-Stocks.

987. Will you state to the Committee what the trust property of St. Christopher-le-Stocks consists of?—The trust property of St. Christopher-le-Stocks consists of a house near St. Dunstan's-in-the-West, in Fleet-street. This house was given to the parish by a man named Benedict Harlewen, and was given for the purpose of maintaining a chantry priest for him. In the first and second year of King Edward the Sixth this property was sold and was apparently purchased back again by the parish or by a trustee for the parish, freed from any trust.

988. What do you say as to that property so purchased?—What I say as to that property so purchased is that when it was purchased back it was freed from any trust, but afterwards a trust has most undoubtedly been imposed upon that property partly by Act of Parliament, and I should think as the result of user as well.

989. *Chairman.*] Which one is this?—I do not think you will find anything in those books about it, because the account starts there with the Act of Parliament. It is the trust property of St. Christopher-le-Stocks.

990. Mr. *O'Hara.*] When you said just now that the property consisted of the house in Fleet-street, did you by that mean to convey to the Committee that that was all the property of the parish?—No; besides that, there is a sum of 5,000 *l.* New Three per Cents. invested in the names of the rector and churchwardens.

Chairman.] I do not know whether it is worth while going at any length into facts respecting the charities which are in the evidence before the Commission. It seems to me we might take the facts in the Royal Commission for granted. If there is anything to add to them we shall be glad to hear it. You must exercise your own discretion.

991. Mr. *O'Hara.*] I will endeavour to condense it as much as possible. How is this income applied?—It is applied under the Act of Parliament for the maintenance of the rectory house, for the maintenance of the church, for the maintenance of the services, and the rest is given to the trustees whom I named just now, and is by them applied to such other similar purposes, if there be any, that require it.

992. Mr. *Lewis Fry.*] It applies to the real property as well?—Yes, it applies to both; to the New Three per Cents., and to the house.

993. Mr. *O'Hara.*] When you first began to manage that property what did it produce annually?—The house produced 170 *l.* a year.

994. What

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[Continued.]

994. What does it produce now?—£. 500 a year.

995. What are the services performed in return for this expenditure?—Do you mean in the church?

996. Yes?—There is service, I think, every day in the week except once. There are two parochial services on Sunday, and one by a lecturer. One of the services in the week-day is also a lecturer.

997. Can you state what the average number of the members of the congregation is?—Last Sunday the Lord Mayor attended, and of course there were a great number of people there; but I should fancy the number of people is, more or less, about 100, averaging, perhaps, from 70 to 100 on Sunday. We have a week-day service on Wednesdays and Fridays in Lent, at one o'clock. It is a short service. Some come in for the prayers, and then some come in for the sermon; but there will be about 60 people come in and go out. Some will stay all the way through, and some only for a short time.

998. You have told us how much the rental was increased, and that there were certain charges on it. Is that income now clear?—Yes; I should like to say one thing about the way in which I was enabled to get the increased income. When the lease was falling in, I was advised by a gentleman who knew something about the place, that I should make a good arrangement if I could get the house repaired and let again at the same rent, but with the consent of the Charity Commissioners I obtained permission to spend a small sum that I had accumulated in buying an additional piece of ground at the back, and I got a tenant to put the house in perfect repair and to pay us a rent of 500 *l.* a year.

999. Have you, during the last four or five years, taken an interest in the City parishes generally?—I have. May I be permitted to say how that began?

1000. If you please?—Our increased income from the Fleet-street houses came into operation in 1877. In the autumn of that year, when I had come back from my holiday, I made a report to the trustees of St. Christopher-le Stocks upon the subject of the increase and upon the way in which I thought, up to a certain point, it ought to be disposed of. At the end I added this: "There still remains the question as to the manner in which the surplus is to be applied. This is a matter which I feel does not properly belong to me; but still I would venture to think that the opportunity is a convenient one for considering that question also, and for proposing a general scheme which, while providing for the maintenance of the church and church services of St. Margaret's, Lothbury, would enable the parish to do some good in other quarters."

1001. Did you have any meetings?—I saw the trustees upon this; and we had some discussion as to what could be done. My view was, if possible, to get the parish of St. Margaret's, Lothbury, affiliated with some poor parish. The parish I was then thinking of was St. Mark's, Old-street, St. Luke's, which is within a very short distance of our parish. I wished to put the two parishes together, and to benefit the parish of St. Mark's, Old-street, which is very poor.

1002. Did you at any time approach the Home Secretary?—Yes. What happened upon it was this: when we looked at it altogether, we found that there would be very great difficulties, owing to the powers that we ourselves had, and the powers we might be able to get from the Charity Commissioners, to do any such work. I then talked the matter over with the gentlemen in my own parish, and some of those in the adjoining parishes, and in the end I prepared a memorial to the Home Secretary, Sir Richard Cross, then Mr. Cross, upon the subject.

1003. *Chairman.*] Will you state briefly the effect of it?—It is very short; and, perhaps, I may read it.

1004. *Mr. Walter James.*] What is the date of it?—That I can hardly tell you. I can tell you the year of it. I prepared it in December 1877; it was printed in January or February, but I think you will find it was not delivered for some time; I cannot precisely say.

1005. *Chairman.*] Did anything come of it?—Oh, yes. I cannot tell you what came of it actually. May I just say what was in it: "We, the undersigned parishioners of, and inhabitants in, various of the parishes in the City of London, beg to call your serious attention to the condition of the parochial charities in

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the City of London. Owing to the great increase in the value of property, the altered habits of the people, and the consequent diminution in the number of residents within the City, particularly of the poorer class, a large portion of the funds of these charities cannot be applied to the purposes, by any possibility, specified by their donors. The powers of the Charity Commissioners, willing as they are to give effect to the legitimate views and wishes of the trustees, are not sufficient to enable them to make the necessary alterations." Then I ask that he may take such steps "as in your judgment you may think best, whether on the recommendation of a Royal Commission or otherwise, to provide some scheme or schemes for the useful application of such charities as cannot now be applied to the original purposes, providing that in all cases, so far as is practicable, the present trustees may be continued as the administrators of their trusts, and that the intentions of the original benefactors, so far and so near as is possible, whether they be eleemosynary or ecclesiastical, shall be carried out in the objects to which they may be applied, and yet that, subject to proper limitations and restrictions, such further powers may be given to the trustees as will enable them to apply the trust funds referred to, to such useful and, so far may be, kindred purposes as may be determined upon." I got that signed by some of the inhabitants of the parish, including the Bank of England, and, as I believe, though I am now speaking from memory, and Mr. James will be able to correct me if I am wrong, it was also presented by the parishes of St. Margaret's, Lothbury, and St. Bartholomew-by-the-Exchange, and, I think, by St. Olave's, Jewry, as well.

1006. Mr. O'Hara.] Did you after that have any interviews with the authorities on the subject?—Yes, I went and saw Sir Richard Cross about it.

1007. Do you remember the appointment of the Royal Commission?—I think we did something before that.

1008. Will you state it to the Committee?—I speak with some hesitation; certainly it was before the appointment of the Royal Commission, but whether or not it was before any question was asked in the House of Commons, I really cannot say.

1009. *Chairman.*] I suppose the purport of this evidence is to show that you and your trustees have been anxious for reform?—Precisely.

1010. I think we may take it briefly in that way. Will not it be sufficient to say that you and the other trustees in the parish have been desirous of reform?—It is more than that; I will be as short as I can, but if you do not mind, I should like to tell you what we did.

Mr. O'Hara.] I have very little more to ask the witness.

Chairman.] I have no doubt Mr. Freshfield was extremely anxious to reform these charities, and to make the best of them.

Mr. O'Hara.] As the question has been discussed and was a subject of examination of Mr. Pearce, I am rather anxious, on the part of the Promoters, that you should have the actual facts before you, because, of course, Mr. Freshfield's anxiety may be one thing, but we should like to know how he showed that anxiety.

The *Witness.*] What we did was this: We first had a meeting of the following parishes: St. Bartholomew's; St. Margaret's; St. Olave's; St. Mary, Colechurch; St. Mildred; St. Mary, Woolnoth; St. Lawrence, Jewry; St. Michael, Cornhill; St. Mary, and Bow Church. I got as many of those gentlemen together as I could to discuss with me whether it was worth doing anything at all in view of this Commission, and what should be done, and after we met together we determined to summon a meeting of the churchwardens of the City parishes. This meeting was held on the 3rd July 1878.

1011-12. Was there a resolution passed at that meeting?—Yes; this was the meeting of the churchwardens, in July 1878. A Commission was proposed. There was no Commission then. The resolutions were, "That this meeting is of opinion that steps should be taken in connection with, and not opposed to, the action of the Government in granting a Commission. (2.) That in the opinion of

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of this meeting the funds of the City parishes should remain in the hands of the existing trustees for administration, but that extended powers should be granted to them where necessary, under the sanction and supervision of a fixed Commission with full powers. (3.) That a committee be formed to communicate with Her Majesty's Principal Secretary of State for Home Affairs, if necessary, and to take such steps as it, from time to time, might think it expedient in the matter." And then follow the names of the committee, representing St. Andrew Undershaft; St. Mary-at-Hill; St. Clement's, Eastcheap; St. Andrew Hubbard; St. Stephen, Walbrook; St. Mildred, in the Poultry; St. Bartholomew-by-Exchange; St. Peter, Cornhill; St. Margaret, Lothbury; St. Mary-le-Bow; and St. Swithin's, London Stone, with power to add to their number.

1013. Have you since then, subsequently, at any time, met the churchwardens?—Oh dear, yes, frequently.

1014. What were the subjects upon which you met?—This sub-committee, I think, met first, and we discussed what was to be done with regard to the Royal Commission, our intention being to assist in every possible way we could the inquiry that was then going on. The committee met frequently during the sittings of the Commission, but I do not think we had a general meeting of the churchwardens again, because the evidence was being taken under the Commission, until September 1879, when the evidence being nearly closed we had another general meeting of the churchwardens. I should like, if you please, to read what happened then, because I doubt whether that has been published. This is what took place: "It is proposed that the churchwardens of the City parishes should make a united representation to the Royal Commission for investigating the City Parochial Charities, through its chairman at once, and on the following lines: To deprecate confiscation in any form as unnecessary and unwise: (a) Unnecessary, because there is no sufficient ground to doubt the integrity nor the competence of the existing trustees to foster or employ the funds under their charge: (b) And unwise because the existing trustees,—provided they be empowered to act under the sanction of a recognised authority, armed with more power than at present resides with the Charity Commissioners,—will be able to manage the funds more answerably to their original purpose and with less expense in administration, than by a central board of management or any other body. Heretofore the trustees have been hampered by want of power in themselves to adapt the funds to present circumstances, and want of power in any other body to help them. The churchwardens are fully convinced that if adequate powers be granted, under proper supervision to the existing trustees, the funds will be better administered than they can be by any other system. And although it may be desirable to fuse into one body parishes at present only ecclesiastically united, and it may be desirable to include within the term parishioner all those whose daily labour is constantly performed within such parochial boundaries, yet the churchwardens strenuously deprecate the abrogation of the local government of local charities, as subversive of the best interests of the trusts themselves, and a violation of the most cherished principles of the Civic and Imperial constitution." This was signed by a large number of the churchwardens, and was presented to the Royal Commission. Afterwards a meeting was held of the churchwardens, and a deputation went to the Royal Commission to express their views. You will find that is all set out in the Report of the Commission.

1015. After that, was the Report of the Commission published?—After that we had another meeting or two of the churchwardens, and then the Report of the Commission was published in 1880.

1016. How were those meetings of the churchwardens convened?—I wrote letters to them, and asked them to come.

1017. If you have a copy of that letter, will you read it?—This was the sort of thing: "Dear Sirs,—You are particularly requested to attend a meeting of the churchwardens of the City of London, to hear a report from the deputation to the Royal Commission on City Parochial Charities. The meeting will be held at the Cannon-street Hotel on Tuesday the 23rd instant, at 3 p.m." This was addressed to churchwardens in each parish of the City of London generally, and sent to them, to the care of the vestry clerk, until we afterwards knew some of the churchwardens.

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1018. Mr. *Baring*.] That went to both churchwardens, I suppose?—I think it went to the vestry clerk for him to communicate with the churchwardens.

1019. Mr. *O'Hara*.] Did you afterwards endeavour in any way to find out whether upon this Report of the Royal Commission any steps were to be taken?—I did.

1020. What did you do?—I happened to be at the Charity Commissioners upon a question concerning my own parish, and I then asked Sir Seymour Fitzgerald, with whom I was having the interview, if any steps were being taken with regard to the Report of the Royal Commission in the way of legislation.

1021. And after that, what happened?—He said no, that he had not heard of any.

1022. When did you first hear of a Bill being introduced into Parliament dealing with this subject?—I think it was on the 11th or 12th of April. If you will allow me, I will read a letter which I then wrote to the churchwardens, which gives exactly what took place.

1023. Was this before or after the introduction of the Bill?—This was after the introduction of the Bill. You will see that it was consequent upon my receiving notice that there was to be an application to dispense with Standing Orders, which I attended; if you will let me read the letter, you will hear what happened.

1024. I only wanted to fix the time, because it is interesting to know when the letter was written?—This is the letter: "12 April 1881. Dear Sir,—I beg to draw your immediate and earnest attention to the London City (Parochial Charities) Bill, which is now in the House of Commons, and appointed for Second Reading on the 25th May. This Bill, it appears, is promoted by private Members as a Private Bill, and it would almost seem as if the Promoters had been anxious that the public, and the parties whose interest are sought to be interfered with, should be kept as long as possible in ignorance of the measure and its details. I say this, because the Standing Orders, with which Parliament requires compliance in the public interest, previously to the introduction of a Private Bill, have been disregarded. The Examiner accordingly reported this fact to the House, and thereupon the Promoters applied for leave to proceed with the Bill, notwithstanding non-compliance with these Orders. I, in common, I presume, with others, owing to the absence of the notices required by Standing Orders, was wholly ignorant of the existence of such a Bill until my attention was drawn to it by Sir Thomas Nelson, the City Solicitor, within less than 48 hours before the time at which the Committee were to meet to consider the application of the Promoters to dispense with Standing Orders. I immediately had the Statement, of which a copy is annexed, prepared, and I attended the Standing Orders Committee with the object (which I fulfilled) of protesting against a measure of this importance having been introduced, as it had been, in so irregular a manner. The Committee, however, waived the irregularity to the extent of giving permission to the Promoters to give the notices now, and proceed with the Bill as if the proper formalities had been observed. In these circumstances I earnestly request your attendance at a meeting which will be held at the Cannon-street Hotel, on Friday the 29th instant, at 4 o'clock p.m., to consider the Bill, and the course to be pursued for the protection of the interests of our parishes and the citizens generally which are menaced by it. I assume that the bodies and persons interested in the maintenance upon a just and equitable basis of the valuable charities affected by this Bill, and in the non-destruction, without proper reason, of the City churches (which this Bill obviously aims at), and upon which unknown paid Commissioners, to be appointed by the Government, are to decide without appeal, will view this measure as I do. I hold it to be our mutual interest, and indeed our duty, not to permit such a Bill as this, promoted by private individuals, to pass unquestioned. I think we ought also ourselves to frame a measure having for its object the dealing with these charities in such a manner as will be equitable and just in the interest of the citizens, and for this purpose I propose to request the meeting to form a committee for considering this subject, and giving effect to their decision. The churchwardens of all the parishes will, I feel sure from past experience of me, give me credit for not having any intention of plunging them

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them into expense, and will readily co-operate with me in this matter." (*Circular put in*). Well, then we held our first meeting upon the 29th of April 1881. These meetings were private meetings, summoned by me at the Cannon-street Hotel, in a room which I hired for my own purpose, and the expenses of which I paid. I only mention that because some question was asked in the evidence about the clergy being excluded. I would, if you please, like to say exactly what took place on that head. You may remember that up to this time the meetings had all been meetings exclusively of churchwardens summoned by me, and summoned on my own responsibility. At this meeting I observed two or three clergymen in the room. It so happens that one of my clerks took a note of some portion, not of all, of that which took place at this meeting. His note of what I said is as follows: "Gentlemen, I should like to say something at this moment; I see there are two or three clergymen present; this meeting is for ourselves as churchwardens, and the clergy will understand that they have no business here, and that they appear as guests, and not as people to take part in the discussions. We are very pleased to see them here as guests." Then I go on to say something else.

1025. *Chairman.*] It was a meeting simply of churchwardens?—A private meeting held in a room hired by me for the churchwardens to meet to discuss the matter with me.

1026. *Mr. Baring.*] Do you say churchwardens and other people?—No, there was nobody besides churchwardens.

1027. *Mr. Walter James.*] Is there any report of that meeting?—No, it was quite private; as private as any that took place in my own room.

1028. *Mr. Macfarlane.*] Some have been reported in the "City Press"?—That was afterwards. What happened on that head, was this: it was very difficult to prevent people coming in and taking reports; I did my best to prevent them, but they would come in, representing themselves; I do not know how, and they got in and then took the report.

1029. They presented themselves as churchwardens, no doubt?—I do not know.

1030. *Mr. O'Hara.*] Subsequently to that meeting did other meetings take place?—We passed some resolutions then.

1031. Will you read them?—(1.) "That this meeting disapproves of the provisions of the Bill introduced into Parliament by private Members under the head of the London City (Parochial Charities) Bill, and pledges itself to do its best to oppose that measure. (2.) That this meeting approves of the suggestion that any alteration in the administration of the charities should emanate from the authorities of the City parishes themselves. (3.) That this meeting approves of the formation of a committee, consisting of one churchwarden from each parish, to be selected by such parish, with power to add to their number, and to associate with themselves persons interested in the City, with a view to considering the best method of providing, by legislation or otherwise, for the administration of the City Parochial Charities upon a more extended basis."

1032. That resolution suggested that one churchwarden should represent the parish for further proceedings?—Yes, the last did.

1033. Subsequently to that, did you hold any meetings?—I think the next thing that happened after that was this; you will see it referred to at the end of this resolution; it was to consider "the best method of providing, by legislation or otherwise, for the administration of the City Parochial Charities upon a more extended basis." I think we then considered whether it would not be possible to do all we wanted without direct legislation with regard to the City. Mr. Pearce, who had been present at that meeting, communicated upon the subject with the Charity Commissioners, and they gave him a form, which, if it had been possible to carry it out, we should have been able to carry out without Parliament, I think. I want to find out the date at which I opposed the Bill on Standing Orders before the House of Lords. I think that must have been somewhere about the 19th of May.

1034. *Mr. Macfarlane.*] That was the Bill of last year?—Yes.

1035. *Mr. O'Hara.*] Perhaps you will state chronologically, in your own way, what subsequent steps were taken by you, and the one churchwarden for each of

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these parishes, or as many of them as came in relation both to the Bill of last Session and the present Bills, the Public Bill and the Private Bill :

1036. Mr. *Macfarlane*.] All this has reference to the defunct Bill of last year, and not to the present Bill?—All this has reference to the action of the churchwardens, which led to their preparing the Bill which is now presented. What happened was this: at the first meeting I told the gentlemen there, I thought we ought to prepare a scheme of our own, which could afterwards be either used as the means of amending the Bill introduced by Professor Bryce, or that we should introduce it ourselves as an independent measure, as we might be advised to do. All the relevancy of this, as I understand, is to show how it came to our preparing a measure of our own, and what we did with it. On the 3rd May I sent the resolutions, with a circular letter, to the churchwardens of each parish. I say this: “I beg to hand you, annexed, a copy of the resolutions passed at the meeting of the churchwardens, held on Friday last at the Cannon-street Hotel. If, as I hope will be the case, your parish agrees to fall in with the resolutions of the meeting, I shall be obliged if you will let me know the name and address of the gentlemen who will represent it upon the committee.” I have selected some of the letters that I received from the parishes appointing their representatives (*letters put in*). There are 57 parishes represented in those letters, and there were others who replied verbally.

1037. *Chairman*.] I do not think you need read them?—I should not think of doing it. This is one: “Our vestry clerk, Mr. Rivington, has handed me your circular. In reply, I have to enclose my card, as senior churchwarden of St. Catherine Cree, and representative upon the committee.” And then, “In reply to your circular, Mr. Johnson, one of the churchwardens, has been selected to represent this parish.” It is in that sort of way. In other cases they state they bring it before a vestry, who select a representative.

1038. Mr. *Baring*.] But in many cases there was no vestry at all?—I cannot tell that; I have no means of knowing that.

1039. Mr. *O'Hara*.] Having received those letters, did you and the gentleman named in those letters meet frequently in connection with the subject of these City Charities?—Yes. We then proceeded at once to set to work to prepare our own scheme.

1040. With what view did you prepare that scheme?—On the 27th of May I sent a letter to the sub-committee, with the short reasons for the alterations we made in the Bill. Whether it tells for or against us, is a matter I do not in the least care about; but I should very much like that that letter, and the short reasons, should be before you.

1041. Mr. *Bryce*.] I do not quite understand what you mean by “the Bill”; you had not then prepared a Bill?—It was your Bill of last year.

1042. *Chairman*.] Is it stating reasons against that Bill?—Yes, stating reasons for the alterations we were then making in the Bill.

1043. Were they different from your present reasons?—I should like you to have them. They are substantially the same as our present reasons. There are some variations in them, but they are substantially the same.

1044. Will you read the material parts of the letter?—It is dated the 27th May 1881. I was told off by the sub-committee to prepare a report for them for their consideration. I say, “I also send a paper for observations, and the reasons which have guided me in making those alterations. I think that it is to all our interests to be guided by as fair and impartial a spirit as we can be, and with a view, if possible, of now, in a statesmanlike manner, settling the present question by a complete measure. I think that upon the result of the manner in which we treat this present Bill, much of our future treatment at the hands of this or any succeeding Government will depend, and I hope we shall not show ourselves unworthy of our great predecessors.” Then I say I hope they will consider them as confidential for the moment. These were my reasons which Professor Bryce wants, and then there were the reasons which were altered by the sub-committee, and sent to all the parishes, and there is a difference between them. The difference is not very material.

1045. Is this what was ultimately agreed upon?—This is my own report to our sub-committee; you shall have the other report as well presently. “Preamble: the alterations in this speak for themselves. The Preamble technically is no part

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part of the Bill; but no suggestions in it implying odium upon the present administration should be allowed to remain; they are not just, nor are they necessary for the purposes of the Bill. Clause 2: The only alteration here is naming the Commissioners, but this I consider of the vital essence of the whole measure. Clause 5: This has been considerably altered. In the first place, I have inserted at the end of the Bill a definition of the term 'Parochial Charities.' The definition at the commencement of Clause 5 is cumbersome, and of a character which might lead the Commission into an enquiry far beyond the mere City Parochial Charities. For anything that appears in the Bill they might find themselves investigating the charities of the City Companies. With regard to the ecclesiastical property, my strong inclination would be here to follow the words of the Royal Commission, but this is a matter of taste; all which I think should be made especially clear is, that the mere absence of proof or, indeed, fact that a particular charity was given for ecclesiastical purposes, ought not to be conclusive against its application for those purposes. In many parishes, from the Reformation downwards, the parish stock as it was then called, but at all events the General Purposes Fund, has been used for ecclesiastical purposes; and it would be manifestly a great injustice that this should be treated as general charity and applicable to secular purposes only. On the other hand, in fairness, care should be taken that what has been in recent years applied to church purposes, but was manifestly not intended for them, should not be diverted from its secular purpose. This is for the Commissioners to decide, steering a course between these two, and they should not be fettered by more restrictions than are absolutely necessary. It must never be forgotten that the parishes in many instances practically redeemed their charities twice over—once when they were despoiled at the Reformation, and again in the Great Rebellion; so that in these instances the charities are absolutely the property of the parish. This applies to all the alterations in Clauses 5 and 6."

1046. Mr. *Firth*.] What date do you fix for what you term the "Great Rebellion"?—The "Great Rebellion" was the rebellion in the time of Oliver Cromwell.

1047. Sixteen hundred and forty-eight; is that the date? What date do you fix for the "Great Rebellion," as you term it?—Do you know, it is so long since I was at school. I have a sort of fancy that the disturbance began in 1642.

1048. I presumed that in writing the letter you had some date in your mind, but I notice I am wrong?—I should not like to say it was anyone time, but so it was. Practically what I meant was this: that at that time the City clergy, but I think that was more in 1642 or 1643, were all dispossessed more or less, and were turned out of their livings, and all sorts of people got in, and the parish property got into the hands of all sorts of people also. As a story it is very interesting, but that is what I meant. I meant the disturbance that took place from 1642 to 1660 practically.

1049. Mr. *Macfarlane*.] You do not mean that there was any public confiscation at that time in the way that happened in the preceding case of the Reformation?—It was not a public confiscation, but the things slipped. I will not read it all. It is the only copy I have got. I go on in this way. I have made some observations as to what I think is right and wrong in your (Professor Bryce's) Bill. Then I go on. "Clause 14: I have taken this out altogether. It is of the essence of the Bill that there should be only one scheme for all the parishes; and if any of the larger parishes wish to be excluded, let them be excluded from the Bill altogether, and make their own way. Clause 15: I have altered this to make it evident that wherever there is a church fabric, services, rectory house, and endowment, provision must be made for the maintenance of these. I think it extremely undesirable, whatever may be the ultimate fate of the City churches, that they should be imperilled by a sidewind in a Bill for another purpose. I have provided for the management of the ecclesiastical surplus, by means of schemes, by the Ecclesiastical Commissioners; it may be that some power will have to be given to these Commissioners to make schemes, but here, again, I think the surplus ought to be managed by the governing body, and the schemes framed by the Ecclesiastical Commissioners, and not that the money should be handed over to the Ecclesiastical Commissioners for them

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to deal with. I have made no alteration in the objects of either the ecclesiastical or the secular; many of the secular I approve, many I utterly disapprove; but it may be well to leave this wide." Then I say, clauses 21 to 30: "I have made no alteration in these procedure clauses, with the exception of a substitution of the limit of 50*l.* for 100*l.*"

1050. Mr. *Bryce*.] That 50 *l.*, substituted for 100 *l.*, is in the case of the incomes of the schemes where there is not to be an appeal?—Yes. Then comes the question of selling; and then "Clause 35: If this clause is maintained in the Bill, I would prefer to abandon the whole matter. The whole essence of our City parish charities has been the fact that we have been unable to sell; upon every ground I think it is undesirable to do so." Then comes the governing body, "Clause 42: This raises the whole question of the governing body; my views on this subject are too well known for me to say anything further here. I have expressed a strong view against boards whenever I have had an opportunity of doing so. We all know what the result of a management by boards is. I should have preferred to have seen the governing body constituted exclusively of ourselves as trustees; but if this is not to be the case, then I should wish associated with the trustees a certain number of the members of the Corporation of London. I can give no greater instance of the benefit of having a great Corporation associated in a trust than St. Paul's School. I venture to think that, but for the wisdom of Dean Colet in leaving the management of his trust in the hands of a great Corporation, St. Paul's School would have long since vanished. If it be necessary to give from other bodies and institutions members to form part of the governing body, I entirely concur with those who suggested that a preponderance of members should be given to the said trustees, and added to them members from the Corporation of London." (*Report put in 27th May*). Well, then, my suggested alterations were considered at several meetings of the sub-committee; indeed at this time we met, I should think, twice a week.

1051. *Chairman*.] Was it still composed of the churchwardens?—I think it was composed of the churchwardens up to about the 16th of June.

1052. Was a foreign element introduced then?—I think, after the 16th of June, what took place was this, that we had a large meeting, and there were some trustees present, and then the desirability of having trustees was suggested. In point of fact, by that time, I think, some of the trustees always attended meetings; and then, after that, I cannot tell you exactly what happened then, because I was only chairman after that. Then I ceased to summon the meetings; we had a quantity of trustees and a quantity of churchwardens. Well, then, this paper of mine formed the subject of a report, which was called the "Report of the Sub-Committee of the Churchwardens and Trustees of the City Parishes," dated 7th June. This was issued and sent out to all the people whose names were sent in as representatives, and also to other people who had sent in their names.

1053. Do you wish this report to be put in; is there anything very material in it?—I am quite willing to put it in. There is something in it which I should like to read. I will only read that which I think is material. (*Report put in*).

1054. Mr. *Bryce*.] I think the paragraph at the bottom of page 2 and at the top of page 3, and the last two paragraphs, are very important?—I will read them: "Your Sub-Committee beg also to report that, from communications received from Members who held important positions in the late Government, they are satisfied that the Bill is viewed by them as forming a basis for the settlement of a matter which requires immediate adjustment. Your Sub-Committee were advised that the trustees should themselves speedily bring forward their own measure, which should be founded upon a liberal basis. Impressed with these considerations, which were urged upon them by friends upon both sides of the House, your Sub-Committee took the pending Bill, and have made such alterations in it as they considered would render it the basis of a scheme to be laid before the parishes. In doing this they do not wish, nor do they pledge themselves, to recommend anything beyond this; that the scheme proposed by them affords a fair basis for a settlement of this matter. It will be a subject for after consideration whether this scheme shall be embodied by way of amendment to the pending Bill, or in the shape of an independent Bill, to be brought forward
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by the trustees themselves. There are advantages attending each method, which must not be lost sight of in arriving at a conclusion. Your Sub-Committee will only now touch upon one branch of this subject, as it bears directly upon the last matter which was referred to them by the meeting, namely, 'that the Sub-Committee be directed to communicate to the vestries of the parishes upon the question of raising a fund for the prosecution of the objects referred to it.' This has been done, and a circular addressed to the representatives of the churchwardens and trustees, desiring them to bring the matter before their several vestries or other proper authorities. Your Sub-Committee, however, have no doubt that whether they oppose the present Bill and seek to obtain amendments in it, or whether they introduce a measure of their own, the matter will be attended with considerable expense. If the trustees introduce an independent measure, the expense will be largely enhanced. Up to this time whatever assistance, professional or otherwise, has been required, has been afforded by members of the Sub-Committee; but this cannot continue with advantage; whether in promoting amendments to the pending Bill, or promoting an independent Bill, it will be necessary for the parishes to have the professional assistance of a Parliamentary Agent. It is impossible to foresee the expense attending this, but it may be roughly stated that the expense of an independent measure will be about double that of proceeding by amendment, and it would not be prudent to place the expense of the latter at a sum less than 1,000 £. If, therefore, your Sub-Committee be authorised to continue this opposition upon a business-like basis, they would request the parishes to consider what sum, if any, they can contribute to the general fund, and to pay their contributions to the honorary secretary, Mr. R. Pearce, Church-court Chambers, Old Jewry, E.C. An account will be opened in the Bank of England in the names of three of the Sub-Committee, to be operated on by any two of them. Appended to this Report, your Sub-Committee submit a print of a scheme which, subject to such variations as a Parliamentary draughtsman may deem needful, shows the scheme which your Sub-Committee recommend to be pressed upon the attention of Parliament. They submit a print of the Bill showing the extent to which the proposed scheme differs from it. Your Sub-Committee also submit, for the consideration of the meeting, a statement of the reasons which have guided them in the alterations they have made. It may be shortly stated that the scheme and the Bill substantially agree as to the objects for which the surplus income of the City Charities is to be applied; they agree as to the area within which such surplus is to be spent, and in much of the machinery by which the surplus is to be ascertained, namely, a commission of three persons, with full powers, and a new governing body to administer the schemes to be framed by such Commissioners. The main differences are that the Commissioners should be named in the scheme, the administration of what is necessary for each individual parish is left to the existing trustees; and in the constitution of the new governing body to manage the surplus, the trustees of the City Charities should be fairly represented, and not altogether excluded." Well, then, together with that was the scheme; you have seen the scheme.

1055. Yes?—I should like the scheme to be put in, nevertheless. (*The same was handed in.*)

1056. *Chairman.*] Is the scheme substantially the same as your present Bill?—There are two alterations in it, but it is substantially the same; afterwards it was put into shape.

Mr. O'Hara.] I am not responsible for the Bill. I settled the scheme (if you want me to give evidence) with a view to its being incorporated in the Bill of the honourable Member, and then it left me, and I did not see it until I met it again in this room.

1057. *Chairman.*] There were no substantial changes of policy after that; the Bill is substantially the same as the scheme?—I think there were one or two clauses added after that.

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1058. Involving any important changes of policy, or not?—I did not consider them as involving any important change in policy. To my mind the great difference between our views and the views of Professor Bryce, were the alteration of the preamble: I did not like the suggestions in the preamble; then I also wished that the management of the charities should be retained by the trustees; I also wished that all the parishes should be put into one schedule; that there should be an alteration with regard to the ecclesiastical matters, making it more conformable to the Report of the Royal Commission; and, in general, my view was, as far as possible, to make the Bill or scheme promoted by ourselves as close as possible to the Report of the Royal Commission.

1059. Mr. O'Hara.] Have you anything to say about the language of the individual clauses; you referred to one or two of them just now?—I should like to refer to the meeting on the 16th of June. You may remember I said something took place on the 16th of June 1881; before I come to that I should like to say something about the question of the contributions from the parishes; I daresay some of the gentlemen are present who will come forward and bear me out in this, that contributions were never asked for by me at all. The contributions were suggested by the other churchwardens themselves, and not by me. I told them that, to the extent of my power, I did not intend to involve them in any expense, and I would have been quite prepared, as far as lay in me, to act as far as I could without any contributions at all, but the contributions were offered, and I did not feel myself justified in refusing them. I only make that statement, that they were contributions which were not begged for, but they were offered to me.

1060. *Chairman.*] By the trustees representing the charities?—Certainly.

1061. And on behalf of the trustees?—Yes, certainly. Upon that I wish that there should be no mistake.

1062. Mr. Bryce.] Do you say that that took place at the meeting of the 16th of June?—That must have taken place at a previous meeting. I will read something that I said then.

1063. What is the date of the preceding meeting?—I cannot tell you at this moment. I must ask you to take it from me that I did not ask for subscriptions. That will be testified to, I should think, by almost everybody. I am perfectly aware of what is said in the report of the Sub-Committee. That is in consequence of a suggestion that was made at the meeting, but I did not volunteer or suggest, or ask anybody for subscriptions.

1064. *Chairman.*] I think the Committee quite understood you were no party to the invitation, but when an offer was made on behalf of the churchwardens, you did not think it your duty to object?—Not only that, but then I brought it forward.

1065. Mr. Lewis Fry.] You approved of that report?—Yes, of course, I signed it, and sent it out.

1066. Mr. Baring.] You did not suggest it, but you sanctioned it?—I perfectly sanctioned it; I did not suggest it, but I sanctioned it.

1067. Mr. Lewis Fry.] Asking for contributions?—Yes; you will see that report which I sent, goes out asking for it, but it was after they had been offered to us. This is the report of a meeting on the 16th of June 1881, after the scheme had been sent out to all the different parishes for consideration: "Everybody's suggestion should be attended to, but he," that means I, "cannot undertake that everybody's suggestion would be given effect to. It would be impossible, because some of the suggestions conflicted one with another, and what he wished especially to guard himself against was, the suggestion from any gentleman that he had taken his money with an implied understanding that he would give effect to the views expressed by him. They would do their very best for all, but they must not ask them to be bound because they subscribed to give effect to their suggestions. Most of them, he believed, had had a vestry meeting

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meeting that day. Their rector, who had taken an active part in Sion College, presided at their vestry, and from him he gathered some observations as to what passed at Sion College. He gathered that they had not yet come to a determination as to what they required, but they had their views of the matter, and those views he trusted would be imparted to them in the nature of suggestions to be considered in connection with their scheme; so that besides themselves they had to consider what Sion College had to say, and whenever the requirements of Sion College were reasonable, he thought they ought to try to give effect to them." This next has reference to something which took place at the very first meeting of all. "When he began he told them that he would not be obstructive. They would not ask him to be an obstructive; they would only ask him and the committee to work so far as they could with a view to bringing in a measure that would settle this question for ever, and upon the most advantageous terms for themselves in the City. They did not wish the committee to defeat the Bill without taking an active measure for their own protection." It is, of course, almost unnecessary to state that there were different views among different gentlemen at the meeting; there were some who looked upon it as a means of obstructing legislation. I, on the contrary, in common with those who were associated with me, thought this was a matter which must be settled, and settled once and for ever.

1068. *Chairman.*] Of course, in such a meeting as that, there must necessarily have been different shades of opinion?—Of course. In putting this in I must not be understood to agree to it verbally; this is a newspaper report of what took place; it is substantially correct, but the words are certainly not mine.

1069. I understood you were reading those passages which represented your views?—Yes. I should like to read something else that took place then: "Mr. Deputy Fry wished it understood that they did not assent to the principles of the scheme. The Chairman. If you don't give assent to the principles embodied in the scheme, I myself, won't go on any longer; I will allow any amendments and divisions that do not go to the essence and principle of the scheme. The principles are these: first, the appointment of commissioners to be named in the Bill; secondly, the commissioners for that object to define which are ecclesiastical and which are secular charities, to allocate to the City its fair proportion of the ecclesiastical and the civil charities, and that in the administration of the surplus the City is to be fairly represented." Really my only object in setting that out, is to show that we were actuated by the determination of carrying out a scheme, and if possible, last year introducing amendments into Professor Bryce's Bill, and to carry the thing through if we possibly could last year. On the 16th of June I reported to Mr. Pearce that everything which had been done to that date I had paid for, and it had been done by me on my own responsibility, and that after that date, as the parishes had come in and subscribed, of course they would pay, and I of course would give my subscription; so that up to the 16th of June, whatever was done, was done by me on my responsibility, and I paid for it. We had several meetings after that. The representatives of the parishes, or whatever they were, approved our scheme, and eventually, in December last, it was turned into a Bill and approved.

1070. *Mr. O'Hara.*] You stated to the Committee some time ago, that you were in favour of the management of the property being left in the hands of the existing trustees?—Yes.

1071. Will you state your reasons for that statement?—I will. In the first place, I wish to say that whatever may be said against the trustees, the trustees have preserved and fostered the property, and the very fact that they were in existence and that they have fostered and taken care of the property, has brought the property to the condition in which it is at present. In the second place, I have a great liking for the personal and individual responsibility of trustees. Speaking for myself, I can only say that the personal responsibility which in this matter has been hanging round my neck ever since I have been a trustee, has been a serious one for me, and has made me always anxious to do what I can for the benefit of the trust reposed in me. A third thing is this:

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we, from being in the City and knowing all the property, are able to understand and to take better care of it than a board or people non-resident in the City. That was my great objection to the suggestion in Professor Bryce's Bill, of the property being vested in an official trustee; my own view always being that the trustees should be persons personally responsible, and that they should be held to be personally responsible.

1072. You alluded just now to the difference, which I believe is the only difference, or very nearly the only difference, between what is Clause 10 of the City Bill, and Clause 10 of Mr. Bryce's Bill; the Public Bill, as it is called. You alluded to the definition at the end as the only alteration, but as one to which I think you said you attached value?—I should like, before going to that, to say something about the Preamble of the Public Bill, where it uses this expression, that "the income is now unapplied, wasted, or misapplied."

1073. Those are the words in the fourth paragraph?—Yes.

1074. Mr. *Baring*.] I presume your objection is to the words "a great part"?—Yes; a great part of such income is not unapplied, or wasted, or misapplied.

1075. I presume you take exception to the words "a great part"?—I take exception to any of that being put in, because I want to show you presently what I suppose was the use made of it.

1076. Mr. *O'Hara*.] Is it your contention that if the Committee were to be pleased to pass this Bill, that part of the Preamble should end at the word "useless"?—Yes. I should like to say upon this subject, that this is a matter upon which, with very great submission to the Committee, I feel so strongly, that if that remains in the Bill I shall take every constitutional means in my power to oppose the Bill, wherever I find it. I will tell you what happened in this matter. Sir Henry Peek, whose name was on the back of this Bill, asked a question in the House of Commons of the Home Secretary respecting St. Margaret's, Lothbury, and what he said was this: it was with respect to the doing up of our church. We spent some money upon the doing up of our church last year, and have made it a much more useful and efficient and frequented place of worship. He asks some questions, and then he says, "and whether, pending such legislation, he, the Home Secretary, will take care the City parochial funds are not wasted and misapplied as they may have been of late years in many ways indicated by the Royal Commission, and particularly that the proposed expenditure on St. Margaret's, Lothbury, shall at any rate be postponed." He uses the very words of this Bill, "waste," and "misapplication," as applied to me.

1077. *Chairman*.] Which words are you objecting to?—The wasting and misapplication.

1078. You object to that charge as being stereotyped in the Preamble of the Bill?—Yes; and hanging over my head; and that it should be used as it was on this occasion.

1079. Lord *Percy*.] May I ask whether you object to the words, "or have become practically useless"?—You will see the words we have put in in our own Bill. It seems to me there is no use in the recital at all.

1080. *Chairman*.] I think in modern times preambles have generally disappeared?—Yes, there is no object in a preamble at all.

Chairman.] I do not suppose the Committee will waste much time upon that. I do not know what the view of the Committee may be, but I do not suppose there will be much difference of opinion about the preamble if we can agree about the clauses.

Mr. *Bryce*.] I should not like to express an opinion.

Chairman.] That is only my own observation.

Mr. *Bryce*.] I shall have questions to ask the witness on that subject.

1081. Mr. *O'Hara*.] Having said what you have to say about the preamble, let me take you to Clause 10 of the Private Bill, in which there is a definition.

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What do you say as to that definition?—I myself do not attach any particular importance to it. It is in order that there may be no mistake upon the matter, to meet the case of property, which, under the circumstances I have just now mentioned, is the absolute property of the parish. I have not the least objection to the property being taken away, provided people understand what it is that is being taken away, and that it is private property.

1082. That is your reason for wishing to add those words to that clause?—Yes.

1083. There is a word mis-printed there. It is printed “charitable trust and charitable property.” It should be “charity property?”—Yes.

1084. *Chairman.*] What do you understand by the words “private property of the parish”?—That it is the property of the parish. I can perfectly understand parish property being property saddled with some trust, a trust for the poor, a trust for the church, or anything else. But if the property is the absolute property of the parish, it is as much their property as my property is mine.

1085. Can there be any property belonging to a parish free from any public trust, or any trust in the parish?—I fancy that is a question of fact.

1086. It is a question of law, is it not?—Partly law and partly fact.

1087. I was under the impression that there could not be such a thing as property belonging to a parish without some trust being affixed to it?

Mr. O'Hara.] You are quite accurate, if you will allow me to say so. You have in your mind the case of the *Attorney General v. Webster*, which ruled that.

1088. *Chairman.*] I do not recollect the name of the case, but I had a certain principle in my mind that there could not be a property in a parish unaffected by some public trust. You seem to think there can be?—I only think it as a question of fact. If there is a trust, then that trust must be recognised.

1089. But if there is no trust, would not the courts of law deal with it as property which ought to have some public trust applied to it?—I do not know; I cannot answer that question.

1090. Of course the question is an exceedingly important one with reference to the parishes which are dealt with in this Bill?—I fancy it would be their view of it.

1091. There was a case before us the other day of St. Mary, Aldermanbury?—Perhaps that and two others are the only parishes.

1092. It was contended by one of the trustees that it was parochial property, which was the private property of the parish unaffected by any trust?—That is a question on which one would like to know what the facts were. For instance, as to St. Christopher-le-Stock, no doubt whatever in its origin that was a property unaffected by any trust. Trusts have been created and charged upon it. When I use the word “private” I mean private as distinguished from property upon which there is a public trust.

1093. *Mr. Walter James.*] Is it not a fact that an immense number of the trust deeds of these parishes are alleged to have been lost at the time of the fire of the City?—I do not believe it.

1094. The allegation is constantly made?—I know; because they are not found. When anything in the City cannot be found it was lost at the fire. I have been very fond of looking into the parish books, and I saw a suggestion in one of them that they had fallen into the hands of a dishonest attorney, among other ways of accounting for parish books.

1095. *Mr. O'Hara.*] You have gone so fully through the Bill, and the Committee have listened so patiently, that I do not think there is anything more I ought to ask you. Is there anything more you think you ought to say?—Not at all.

1096. *Mr. Bryce.*] With regard to your remarks about the preamble, is it within your knowledge that a large part of the City parochial charities has been applied to the payment of poor rates in the City?—No.

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[*Continued.*]

1097. Are you not aware that about 10,000 *l.* a year is supposed to be applied to the payment of poor rates?—I know that in some parishes money has been applied to the poor rates, but I have not the least idea to what extent.

1098. Are you prepared to say that 10,000 *l.* a year has not been applied in the payment of poor rates?—I am not prepared to state it, for I do not know.

1099. Should you consider that 10,000 *l.* a year was a large part of the total income of the parishes?—I should consider it a sensible part.

1100. Should you consider that the application of the funds of the parochial charities to the payment of the poor rate was a proper application?—That entirely depends upon the meaning of the word “charities.”

1101. I will take the word in its popular sense; do you consider it a proper application of parochial charity funds?—If those parishes were parishes in which the property came under the distinction that I have named now as private, I should consider that it was a proper application. If, on the contrary, poor rates were paid out of funds which came under the definition of eleemosynary, then I should consider it was an improper payment.

1102. Have you any idea how much the funds in the City would be, which would not be eleemosynary?—No, I have not.

1103. Could you say that any considerable part of that 10,000 *l.* a year belonged to such funds?—I should consider that the people who made those payments were either under the impression, or were advised that there was no eleemosynary trust applicable to those funds, or they would not have made the payments.

1104. Then you would consider that where the funds were not funds of the particular kind which you call the private property of the parish, it was a mis-application to apply them to the poor rate. Will you answer that question simply?—I cannot answer that; in the first place, you must repeat the question.

1105. Should you consider that, except in the case of parishes where the parochial charity property is what you call private property, the application of parochial charity property to the payment of poor rates was an improper application?—Yes, certainly, an application that I should not make myself anyhow.

1106. Are you aware that it has been condemned by the Royal Commissioners?—Yes, certainly; and I have condemned it myself often.

1107. Is it within your knowledge, that in many cases the objects prescribed by the founders for the City parochial charities have now failed, and that the money cannot be applied to those objects?—I should not have been where I am if it were not for that.

1108. Would not you consider that in those cases the money might be described as being wasted?—No, I cannot answer that question in the affirmative.

1109. Do you think that any of these City parochial charity funds now are wasted?—Yes, certainly; undoubtedly.

1110. A considerable quantity?—Some, certainly.

1111. Then I ask you why you object to the expression in the preamble that a large part of the funds are misapplied or wasted, considering that those words do not refer in any way to the trustees as being guilty of mis-application or waste?—I pointed out to you how use was made of those words. I do object altogether to it.

1112. I ask you why you object?—Because it is not true.

1113. Is it not the case that you have yourself admitted that part of the money is wasted?—I have not said anything about a large part.

1114. Have not you admitted that a part of the money is wasted?—It may be.

1115. Is it, or is it not?—I venture to think no part of my money is wasted.

1116. I did not ask you about your money. I understand that you have paid great attention to the state of the parochial charities in general?—I say that some of it may be wasted.

1117. And

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1117. And the part which goes to the poor rate, except in so far as it is private property of the parish, is misapplied?—I should not apply it so, most undoubtedly.

1118. Then do you think that the fact that some person chose to put a question in which the words “waste” and “misapplication” were used, is to govern the interpretation of this preamble?—His name was on the back of the Bill.

1119. Do you think that the use of the words “waste” and “misapplication” by a person putting a question is sufficient to govern the interpretation of this preamble; I ask you that question?—And the great part of such income.

1120. You might answer the question simply. Do you consider that such use of the words is sufficient to govern the interpretation of this preamble?—Yes, certainly, because it was made applicable to myself.

Mr. Baring.] Are not we a little bit too forensic?

Witness.] If I might be permitted to say so, you put so many considerations, and such long sentences in your questions, that it is often difficult for me to answer them.

1121. Mr. Bryce.] If you will only say so, I will make my questions simpler. Why did you set the clergy on one side in these meetings which you held?—Would you mind telling me when I set the clergy on one side?

1122. By not inviting them to the original meetings, and by telling them they were there only as guests?—Because they were meetings entirely of churchwardens associated with myself (I being a churchwarden), whom I had chosen to summon.

1123. Are not the ecclesiastical funds a very large part of the total parochial charity funds?—Yes; but the gentlemen I had invited to meet me were churchwardens.

1124. Were the clergy not interested in these funds?—Very much; and they have an association of their own called Sion College, where they meet and discuss these things, and they do not summon us there.

1125. May I ask why you did not summon them to any of these meetings of yours?—I never had summoned them, and I wished to discuss the matter with my own brethren.

1126. Did you ever at any time summon them?—I personally never summoned them at all. My functions ended, as I have told you, on the 16th June, and up to that time I had only summoned the churchwardens.

1127. After that you continued to be chairman?—After that I continued to be chairman.

1128. Did it not occur to you even to summon the clergy?—It did not occur to me to summon the clergy as clergy.

1129. I may ask why it was you had meetings consisting of churchwardens?—I was aware at that time that there was a committee at Sion College, considering Professor Bryce's Bill, and considering amendments of it, and I then presumed and hoped there would be a meeting between the committee of the churchwardens and the committee of Sion College to discuss any amendments.

1130. Did you think it desirable that the clergy should come in and take counsel jointly with the churchwardens and trustees?—I should have been very pleased if the clergy or some of them had come as representatives of the parishes.

1131. Why did not you invite them?—The only time I had an opportunity I invited Mr. Hall, the President of Sion College, to be present at one of our meetings myself.

1132. You told us that after a time the trustees came in along with the churchwardens; was that by invitation?—By personal invitation of myself whenever I had an opportunity of knowing anybody.

1133. You did not send out a circular to the trustees?—I did not know the trustees; and in my parish, you see, the churchwardens are, in point of fact, the representatives also of the trustees, and they would communicate with the trustees themselves.

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1134. That

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1134. That would not be the case in all parishes?—I do not know.

1135. Is it not within your knowledge that that is not so in all parishes?—No, it is not.

1136. That is all you have to say as regards the omission of the clergy, or have you anything else to say before I pass away from that part of the subject in explanation of why the clergy were not brought into the matter rather more?—The only explanation that I have to give depends on a private correspondence between myself and Mr. Milman, and I would rather not give it.

1137. Did you write a letter to the Bishop of Bedford on the subject?—Certainly.

1138. Have you any objection to produce that letter?—My impression is that I marked that letter "Private."

1139. You do not wish to produce it?—I should not think of doing so.

1140. How many parishes do you conceive you now represent?—I, Edwin Freshfield.

1141. You, as promoter of this Private Bill?—I have not the least idea. You know I showed you the letters I got were upwards of 60. I cannot tell you, indeed, how many parishes, but I should say a large majority.

1142. Could you tell us in the case of how many parishes you have written authority to represent them; when I say you, I mean the promoters?—I do not quite know what you mean by written authority. All those letters were letters from people saying they were to be representatives at the meetings, and those meetings always were unanimous.

1143. Do you speak of the meetings of last year or the meetings of this year?—I do not think we have had any meetings this year.

1144. With regard to the authority you have as a promoter of the Private Bill, I understand you to tell us the Private Bill represents the wish of a certain number of parishes?—I am sure it does.

1145. Tell us how you know that?—Because it was submitted to the vestries; the representatives attended and voted it unanimously.

1146. When did that happen?—I read the report to you just now.

1147. This year?—No, it was not this year.

1148. I am asking about the Bill of this year?—This was the Bill of this year. There has never been but one Bill.

1149. The private Bill of this year is not quite the same as the Bill of last year?—It is exactly the same as it was when it was submitted to the parishes at large.

1150. May I ask since the Private Bill was drawn, or instructions given for drafting it in the autumn of last year, whether you have submitted it to the parishes?—Certainly; it was done in the autumn of last year.

1151. Since the month of November?—On the 14th of November we submitted it then to a public meeting.

1152. Consisting of whom?—I do not know who were there; it was a public meeting summoned as the rest were; the representatives of the parishes, and everybody we could get hold of.]

1153. A public meeting consisting of the representatives of the parishes?—Yes.

1154. Have you got the names of those who were present?—No.

1155. How many were present?—I do not know.

1156. How do you know they were the representatives of the parishes?—I do not know that they were; they represented themselves to be; some of them I know by sight as people whom I had seen there constantly. There was one who was certainly not a representative, Sir Henry Peek, but it appears that Mr. Deputy Fry thought it was too much to ask him to agree to a Bill, the provisions which he did not know, on which I remarked that the Bill was exactly the same the churchwardens had agreed to last July, only that the head and tail had been added.

1157. Then there were persons at that meeting who thought they could not consent to approve of the Bill until they saw it?—Mr. Deputy Fry did, undoubtedly.

1158. Can you say nobody else?—I am quite sure nobody else.

1159. There

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[Continued.]

1159. There was nobody else who thought so?—At least nobody who said so; I cannot tell what they thought.

1160. You cannot tell me how many were present?—I cannot tell you. It is difficult, in a large room in the Cannon-street Hotel to judge of numbers.

1161. Have you had since then, or can you give us anything in the nature of evidence to show how many parishes have approved of this Private Bill?—No.

1162. What was the resolution that was carried at that meeting?—It was approving the Bill anyhow.

1163. Was there a division taken upon it?—No, we were unanimous.

1164. Mr. *Walter James*.] Have you got a report of that meeting?—Yes, but it is a downright bad report; that is the only thing about it. There is a certain number of names put there.

1165. Mr. *Bryce*.] Do you know how many parishes have subscribed?—No.

1166. You said, I believe, at the previous meeting, that you did not consider the giving of subscriptions bound people to the clauses of the Bill?—No, I did not. What I said was this, that I did not like to take people's money on the understanding I was to carry out any of their suggestions.

1167. That is to say, having taken their money, you would still feel yourself at liberty to make the Bill different?—What I meant was this: I did not intend myself to be put in the position of an obstructive, and, therefore, if any gentleman contributed money to me on the understanding I was to put in something the principle of which I disapproved of, or which I thought would not be in accordance with a fair and equitable settlement of this matter, I was not ready to give effect to it.

1168. That does not quite answer my question; did you say the fact of the subscriptions being received would not bind a person to approve of all you did?—What I said is in this report.

1169. May I take it you considered that the taking of subscriptions did not bind the parish who gave the subscription?—Would you tell me what the meaning of that is.

1170. Do you consider that the giving of a subscription by the parish did not bind the parish to approve of the acts of those who received the subscription?—I certainly understood, when the people gave the subscriptions they gave them with the understanding that we would go on with our scheme; that they gave their adherence to it, and that we would do our best to carry out their views; but I would not pledge myself to do anything unfair or unjust.

1171. But the scheme was not settled in all its details?—I think the scheme was practically settled then, because I think that meeting was when we sent out the draft of the scheme.

1172. Did you send out the draft of the scheme before or after that meeting?—Before or after which meeting?

1173. The meeting you spoke of at which you used these words?—It was before.

1174. Then they had the draft of the scheme already?—Yes.

1175. What approval did they give to that draft?—By attending and supporting it; and some of them sent observations upon it, I believe.

1176. I put it to you once for all. Can you give any further information than you have given us now, tending to show which parishes have given authority for this Private Bill?—They all did. All those who were present and voted unanimously, gave their authority to us.

1177. For this Private Bill, now?—Certainly.

1178. I have asked you to give me evidence of that, and you give me your statement?—I cannot give you any more. You must take my statement.

1179. You cannot give any series of letters showing approval of this Private Bill?—Certainly not; you must take my statement.

1180. And you cannot tell us how the persons who purported to be representatives were appointed?—I have not the least idea. The letters were written to me, saying they were appointed; and the letters were principally written by vestry clerks, and the vestry clerks were solicitors, and would not, for their own credit, make representations that were untrue.

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1181. You

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1181. You do not know whether the vestry clerks had authority to write those letters?—No.

1182. What is the population of St. Margaret, Lothbury?—It has slightly increased since the last census. It is under 400; but I could not tell you exactly.

1183. Mr. *Firth*.] At the census before last it was 316 and at the last census it was 361?—Yes.

1184. Mr. *Bryce*.] What is the population of St. Olave, Jewry?—I do not know.

Mr. *Firth*.] That is 300, and at the previous census it was 514.

1185. Mr. *Bryce*.] Are there any poor in St. Margaret, Lothbury?—There is one old woman who calls herself the poor of St. Margaret, Lothbury, but I do not think she resides in the parish.

1186. Are there any in St. Olave, Jewry?—I do not know of them. I am slightly connected with St. Olave, but not enough to answer that question.

1187. Are there in St. Christopher-le-Stock?—The whole of that parish of St. Christopher-le-Stock, except two shops, is in the Bank of England and the Royal Exchange approaches.

1188. Then those two parishes, St. Christopher-le-Stock and St. Margaret, Lothbury, have no poor?—We have no poor.

1189. What has been your experience as regards doles?—I think you will find I gave evidence about that before.

1190. I only wished to know whether you could state shortly what your view is about that matter?—When I first became churchwarden they used to give away some bread in the church, and I found that the bread found its way to people who I thought ought not to receive it, and so I stopped the giving away of the doles, and never gave it again, with the exception of to this poor woman; and then I found they were in the habit of giving her six loaves on the same day, and I changed that and gave her a loaf every day.

1191. Can you say anything about it, or have you any knowledge as regards the way in which doles worked in the City parishes generally. Is it within your knowledge that they were often received by people getting out-door relief?—No, I do not think so. I think, for instance, this poor woman in our parish does not receive out-door relief.

1192. You do not know that there have been many cases discovered which the recipients were getting out-door relief?—I should not be surprised to hear it; I am much opposed to it myself.

1193. Would you go so far as to say that money spent in doles was wasted?—I could not say that without knowing the cases.

1194. What objection have you to the vesting proposed by the public Bill of the legal estate in charity lands and charity funds in the official trustee?—I have given my reason for that, because my belief is that the advantage of the personal responsibility of trustees—and when I say existing trustees, I do not care for existing trustees, but I care for persons—counterbalances almost everything else, if there is a public audit.

1195. Are you not aware that although the legal estate in charity lands and funds goes to the official trustee, yet that the management is left in the trustees just the same?—That I could not answer. I go back again to what I said, that my view is in favour of the personal responsibility of personal trustees.

1196. Are you not aware that the only object of the Charity Commissioners in inserting a clause in these schemes for the vesting of these properties in official trustees is to preserve property from being lost?—Our property, as I have told you, was purchased by us in the second year of King Edward the Sixth, and it is there now. It has never been lost.

1197. Do you not think that the vesting in an official trustee is an additional security?—I am sure it is not.

1198. Not for charity property, generally?—I am sure it is not, and I never heard of any charity property in the City being lost.

1199. Do you know why the Charity Commissioners almost invariably put this clause into their schemes?—I do not.

1200. Do

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[Continued.]

1200. Do you know that it saves a good deal of expense in transfers?—I do not.

1201. *Chairman.*] It does not necessarily take it out of the management of the ordinary trustees?—I really do not know that.

1202. There seems to me to be some confusion on the point. I understand the Charity Commissioners, in schemes generally, insist on the property being vested in the official trustee; but that does not mean that the management of it is taken out of the hands of the ordinary trustees. The official trustee has the legal estate?—I was going to make use of a funny expression: that I am not sufficient of a lawyer to understand what that is. I can understand if a property is vested in me, that I am personally responsible, and that I have to look after it; but if the property happens to be vested in you, you are personally responsible, and you must look after it. If it is vested in me, and not in you, then I should look after it.

1203. *Mr. Bryce.*] There is a misapprehension on this point amongst the promoters of the private Bill, and that is why I asked the question whether you are not aware that vesting it in the official trustee makes no difference to the management by the trustees?—I do not know it. I say I can understand when the property is vested in a person it means that the legal estate is vested in him, and it is his business to look after it.

1204. *Mr. Macfarlane.*] The income may be distributed by the trustees, notwithstanding?—All I have contended for is this, that if a property is vested in the trustees it is their duty and their interest to look after it, and to do the best for it; and I instance that by what happened in my own parish of St. Christopher-le-Stock, where I was able to increase the income from 170 *l.* to 500 *l.* a year, and my belief is that that is a good and proper thing.

1205. What difference would it make if one trustee had the special duty of keeping the capital of the funds, and another trustee or trustees the distribution of the proceeds?—You will not mind me, I am sure, applying it to myself. If I knew anybody else had a duty, I should not take any interest in his duty at all.

1206. *Mr. Bryce.*] I may sum it up in this way. If it was shown to you that the vesting of the property in the official trustee would not make any difference to the management of the property by the present trustees, would your objection to that vesting continue?—If it did not make any difference to the personal responsibility of the trustee that the property was not vested in them, then I should see no objection to it, but I cannot see how any person can be personally responsible for the management of the property which is not vested in him.

1207. What is your reason for giving a preferential right to the inhabitants of other City parishes with regard to the surplus derived from some of the City parishes, such as you have in the last part of Clause 12 of the private Bill?—I made it a *sine qua non* when I began with this thing, that all the City parishes with which I had anything to do should allow there to be only one schedule. It was quite possible that in St. Andrews, Holborn, and St. Giles Without, Cripplegate, and St. Botolph Without, Aldgate, there might be more people than there were charities to fit.

1208. Do you know what the income of St. Botolph, Aldgate, is?—No.

1209. I may tell you it is over 10,000 *l.* Do you consider it would leave any claim to have the surplus of charity funds from parishes inside the City?—If it had no claim, the claim would not be allowed.

1210. Supposing these large parishes in the outskirts of the City to have large funds, do you still think it necessary they should have a preferential claim over the surplus from the other parishes?—I have mentioned those parishes, but there are other parishes on the outskirts. I should think Holy Trinity, Minorities, and St. Andrews, Holborn, must both be parishes with a large population.

1211. I understood a previous witness to say that the reason for giving this preference to the outer parishes of the City, or to the City generally after the parish to which the funds originally belonged, was to keep all the parishes together;

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[*Continued.*]

is that your view ?—I cannot answer your question, because I do not quite understand it.

1212. I may put it in this way again. Another witness told us that the reason for the last part of Clause 12 of the private Bill was to keep the parishes together and to unite their interests?—That was not my view.

1213. What is your view ?—I have stated my views.

1214. Perhaps you would not mind stating them again?—My view is this : I consider that all the parishes should be placed in one schedule, and I thought it right having done that in the event of there being any parish in the City where funds were not sufficient for the purposes of the poor in that parish, that the rights of that parish should be considered.

1215. Considered in preference to the metropolis outside ?—Certainly.

1216. Then I take it you think a parish on the outskirts of the City, St. Botolph, Aldgate, for example, has a better claim to funds derived from St. Mildred, Bread-street, than Whitechapel would have?—If the funds were insufficient for its poor it would have a better claim.

1217. Why ?—I only give my opinion, because all this property was intended for the parishes of the City, and I have a natural preference for the City.

1218. *Chairman.*] Is there any reason apart from the trust deed?—No, I consider this is a matter of detail, and so small a matter that I should not care one way or the other as to it.

1219. *Mr. Bryce.*] You do not think that goes to the essence of the Bill?—Not the slightest.

1220. You do not attach much importance to that provision?—I should like it to be there. It is what I advocated before the Royal Commission ; but as a question of accepting or rejecting the Bill on account of that, I should not think of it for a moment.

1221. *Chairman.*] I gather it is rather a matter of sentiment in favour of the City?—I think it is just, but that is all.

1222. *Mr. Bryce.*] I understood your evidence given before the Royal Commission to be that you thought the City parish charity funds ought to be continued to be applied in the City?—I did, indeed, and I said so there.

1223. That no surplus should go to the Metropolis?—If you read my evidence you will find I then advocated that which has not been put forward in this Bill at all, that the word “parishioner” should include those who worked in the parishes as well as those who lived in them. When the Royal Commission did not adopt my plan then I thought it my duty to follow the Royal Commission.

1224. *Chairman.*] Your original idea was to confine it to the City, but also to apply the charities to those who worked in the City?—Yes. You will find Mr. Pell cross-examined me about it, and asked me whether I considered a cabman worked in a particular parish, and I said “No” ; but I was sure the waterman on the stand did.

1225. You meant to extend it to those who work for those who work in the City?—I was thinking of a class of people that I know very well, indeed ; poor clerks ; people who have to keep a respectable coat on their backs and to appear like gentlemen, in a certain sense, and who are the very poorest of the poor.

1226. Let us suppose the charities really intended for the poor and not for the class of better people, slightly above them, who may need assistance, although not generally included under the term poor, would you think it right to apply these funds to that class of people you now mention?—I left it purposely out of the Bill here, because it was not in the Royal Commission. If you ask me, I think that if the funds were given to a parish in the City, and we were enabled to find amongst the people working in that parish people who were sufficiently poor to justify our giving charity to them, I should be most happy to do it ; but as I have said, the Royal Commission did not sanction it, so I have dropped it out of this Bill.

1227. You see the importance of the point, namely, whether the funds which are really under these trust deeds to be applied to the poor, should be applied in the future to a higher class of people than those originally intended, because there do not appear to be any actual poor in the parish?—I quite appreciate what

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what you say ; but my difficulty is, in quite appreciating the word "poor ;" I mean that I could point out to you some clerks who are much more really poor than many people who would be called poor, and be even in receipt of relief.

1228. They may be poor in relation to people of the same class, but not poor in relation to the poorest class of the people?—I think so, because they have more wants or more cast upon them than the very poor. I do indeed. I could find out a few clerks in my own parish who are more really poor than a poor person as commonly understood.

1229. Only in the sense that they are poor in relation to their class?—Not only in relation to their class ; but conceive a man obliged to wear a black coat and a clean shirt, and come to an office and look respectable, with 12 children at home, some of whom, as in cases I have known, ill with scarlet fever.

1230. I should venture to call them poor in relation to their class, though not poor in relation to the really poor of the population of the metropolis?—I am not sure about that ; I think I would sooner be a labourer.

1231. Mr. Bryce.] Do not you think there would be considerable danger in a case of that kind, that employers would relieve themselves from the necessity of raising his salary by giving him this charity?—I hope I should not.

1232. I do not say that you would ; but do not you think there would be danger of that?—I do not think so.

1233. You think that a clerk, although he lived out in the suburbs, because he happened to go to an office in the City instead of to an office outside the City, ought to be entitled to the charity?—I must say yes to that, because I acted upon that in Barnes' Charity.

1234. I ask for your opinion upon it at the present moment?—I say yes, because I acted upon it in the Barnes' Charity.

1235. Chairman.] Was that under a scheme?—A scheme from the Charity Commissioners.

1236. Mr. Bryce.] That reminds me of another point. Why is it that if the trustees were so anxious to have reform they have not been more pressing on the Charity Commissioners to carry schemes through?—I speak under some dread. I gave an answer to the question before the Royal Commission, and the first time I saw Sir Seymour Fitzgerald he reproached me. In the parish adjoining mine, St. Bartholomew, Royal Exchange, I believe they have had a scheme before the Charity Commissioners for seven years.

1237. Why, again may I ask, did your committee not follow out the suggestion made in the circular that you gave us of making amendments in the Private Bill of last year instead of bringing in a new Bill of your own. I call attention to this passage in the circular?—I know exactly what there is there.

1238. I will read the words to you. "It may be roughly stated that the expense of an independent measure will be about double that of proceeding by amendment, and it would not be prudent to place the expense of the latter at a sum less than 1,000*l*." Why did you not proceed by amendment of that measure if the bringing in of an independent one was going to be so much more costly?—I cannot tell you that altogether, but I will tell you exactly what took place. When we had reduced our scheme into a scheme, we then submitted it to Mr. Wyatt, and took his opinion upon it, as I should not have considered my own opinion worth anything on that matter, and we had a long discussion, at which there were three or four trustees present, and I took his advice upon the matter and followed it.

1239. May I take it it was not on your own judgment that the plan of an independent Bill, instead of making amendments, was followed?—It was on my own judgment, after having had his advice.

1240. But not on your own judgment apart from his advice. I mention this with reference to this passage in the report?—I wish to be quite honest with you.

1241. I may say I believe you have been perfectly candid all through, and I hope you have understood I have thought so?—I put before him all the different

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different ways; whether it could be done by amendment, whether it could be done by a Private Bill, and whether it could be done by a Public Bill. We discussed it all up-hill and down-dale for, I think, two hours, and it ended in what we have done now. Having accepted his advice, I became as much an advocate for the Private Bill as I should have been for anything else which we determined to be the best to be done; that is all.

1242. Were you cognizant of the issuing of a circular of the 6th February 1882, asking for subscriptions from the City parishes, and signed by Mr. Pearce?—I do not think I ever saw that; I have no doubt I was cognizant that something was being asked for.

1243. I call your attention to that passage which states that the committee have been advised?—Will you allow me to read it. “The committee is advised that such a contribution must be allowed as a proper expenditure of charity funds, as much as if they had been attacked in the law courts instead of Parliament.”

1244. May I ask whether you ever took the opinion of counsel on that question?—Certainly not.

1255. Or whether you were ever asked by the committee professionally to give a professional opinion, or whether it would be a proper payment or not?—I was not attending the committee professionally, nor am I attending here professionally. I certainly should not have hesitated to advise the committee that I thought it was a proper application of the money. I am not sure that I may not have said so there over and over again. If I had seen the word “advised” I should have endorsed it most certainly, because it is my opinion.

1246. Do you mind my asking you this question. Reading these words, “The committee is advised that such a contribution must be allowed as a proper expenditure of charity funds;” would you have supposed that they meant that the opinion of counsel had been taken?—No; “advised” is a word we use amongst ourselves constantly.

1247. You would not have thought it meant anything more than that solicitors had advised?—Yes.

1248. Do you know whether solicitors had given advice in their professional capacity?—I myself should have done so.

1249. You told us you did not. I did not ask you with regard to yourself?—I have no doubt I have said there over and over again that I considered they were perfectly justified in doing it.

1250. Do you know that the Charity Commissioners have said that it would be an improper application?—That would not weigh for one moment with me.

1251. I only asked you the question?—I am not aware of it; but it would not weigh one moment with me if they did.

1252. Do you know whether it is the case that several parishes applied to the Charity Commissioners to know whether it would be a proper application of the Charity funds or not?—I do not know it to be the case. I heard something of the sort, and I was not at all astonished at the answer given by the Charity Commissioners.

1253. You know that the Charity Commissioners could certify a case to the Attorney General where they thought an improper payment was being made?—I daresay they could; but if you come to the question of a proper payment, I consider that the payment was a proper one; and if the Charity Commissioners had told me it was an improper one I should have tried to convince them it was proper; and if I had not convinced them it was proper I should have made the payment.

1254. Can you give me any estimate at all of what part of these funds would be surplus available for the benefit of the metropolis. You could not give an exact estimate, of course, but could you give any general estimate?—I could not.

1255. Do you think it would be a fourth of the entire funds under the private Bill?—More than that. I hope so.

1256. I understand

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1256. I understand you propose to change the proposals of the private Bill in several respects; at least we were told so by a preceding witness. Could you tell me on what points you wish to alter those proposals?—I do not know it, but I dare say he said so.

1257. I understand it was proposed to bring in some provisions for persons working in the City by day?—I did not propose anything of the sort. It is not in the Royal Commission, and however much I should like it myself, I did not propose it.

1258. So far as you understand the wishes of the promoters of the private Bill, do you wish to introduce such a clause as that or not?—I will tell you what took place. One of the parishes, St. Ann, Blackfriars, presented a petition against our Bill on the ground that they were not included in it. I should be glad to see them included. I should not oppose their being included, but I am speaking as Edwin Freshfield. I should not put forward their being included, although I should thoroughly approve of it, because it is not in the Royal Commission.

1259. As regards the clause which excludes the action of the Commission where there is a scheme less than 50 years old, do you propose to modify that clause in the private Bill?—Honestly I do not attach much importance to that clause either, again speaking for myself. It was wished for by a good many. I saw no objection to it at all, because you see that there the schemes are not to be altered, except with the consent of the governing bodies. My view is that these governing bodies would always be most anxious to come forward and amend and alter their schemes if they saw the necessity for doing so.

1260. That is your experience of governing bodies?—Yes, it is indeed.

1261. *Chairman.*] Is there anybody with authority to represent the views of the trustees on these matters, because I understand you distinguish your own views from those generally of the promoters?—I was chairman of those meetings, and if you think I am bound to uphold what was said then, I should be very pleased to uphold it, and give my reasons for doing so.

1262. On some of these points you rather indicate your own views as distinguished from those of the promoters generally?—You see that we were meeting there and trying to bring forward a scheme to meet with general approval, and that was the reason why, when we went to the meetings, the things were carried unanimously, because we were bound to give way one to another.

1262.* I understand the scheme is the result of a kind of compromise?—Yes.

1263. But you are here as a witness in favour of this private Bill?—If you please, then, I am in favour of it.

1264. I understand you require to distinguish your views on some matters from those of the promoters generally. Therefore I ask the question whether there is anybody with authority to give consent, or to state definitely what the views of the promoters would be on some of these important points?—I take it for granted we must leave that to you. Whatever Parliament does we must be bound by.

1265. You see it will be very important in the conduct of this enquiry to ascertain what really the views of the promoters are?—I think whatever Mr. O'Hara or the Counsel standing there represent to the Committee, may be considered the views of the promoters. I thought you were asking me my individual views.

1266. I was asking whether there was anybody to represent the views of the promoters?—I think you may consider I do.

1267. *Mr. Bryce.*] Then I may take it you do not set much value on that clause limiting the action of the Commission?—I think I must say this, that the majority did set store by it, and considerable store.

1268. At what meeting?—The majority of people at all the meetings.

1269. You personally do not?—I do not, and for this reason: because if a scheme is a good scheme, I think the Commissioners will adopt it; if it is a bad scheme it will come back to the fact that the governing body would go and get it altered.

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1270. We

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[*Continued.*]

1270. We were told, I think, by the Counsel for the Private Bill in opening his case, that the promoters of the Private Bill proposed to have a different governing body from that contained in the Private Bill; do you take it that that is so?—I do not know.

1271. I ask you that. Do you adhere to the governing body which is suggested in the Private Bill as it stands; a governing body of 50?—I adhere to that, because it was the nearest we could get to the Royal Commission.

1272. Counsel suggested a different governing body. That brings me back to what the Chairman asks you; are we to take it that the wish of the promoters is to have the governing body proposed in the Bill, or the different governing body which the Counsel referred to?—I should be content with any governing body as near as near as could be to the Royal Commission. I happened to be engaged in another Committee; so I did hear the opening speech, but I think it is only a question of election.

1273. *Chairman.*] I presume your individual view, at all events, represents a very weighty body amongst the promoters, if not an actual majority?—I should think, if I might say so upon the question that you were asking me about with regard to the schemes, that a large preponderating majority would be in favour of retaining the schemes.

1274. *Mr. Bryce.*] I call your attention to the 10th clause of the Private Bill which you gave evidence upon in chief, and the interpretation paragraph at the end, "Charitable trusts and charitable property;" comparing that with the use of the words in the earlier part of the section, would not that have the effect of obliging the Commissioners to declare that whatever is not eleemosynary was not charity property?—That I understand to be the effect of it.

1274.* So that if they found the property not applied to an eleemosynary purpose they would have to hold it was not charity property?—Certainly.

1275. May I ask what you understand by an eleemosynary purpose?—If the property were, to use the words you quoted against me, the private property of the parish, then I should not consider it was eleemosynary; I should consider it was their property as much as mine is mine; but if, on the other hand, there was any trust about it, then I should consider it was charitable or eleemosynary.

1276. I ask you to explain, if you can, I do not want you to do it if you find any difficulty, what you understand by the words eleemosynary purpose?—I should consider doles eleemosynary purposes; I should consider, in a sense, the apprenticing of poor children eleemosynary purposes, and all such things; but if the property had been purchased out-and-out by the parish, and applied for no purposes whatever except in payment of poor rates, or in eating dinners, and so forth, I should not consider that an eleemosynary purpose.

1277. You said something about objecting to boards?—Yes.

1278. Would your objection to boards not apply to your own new governing body?—I accepted that because it was in the Report of the Commission. I accepted it unreservedly.

1279. What reason have you for thinking that a body composed chiefly of city trustees would be better able to administer this money than such a body as the new governing body under the Public Bill?—Because I think we know more about the people, and know more about the property.

1280. You do not live on the spot?—I have given an account of myself which shows that I practically live on the spot. I know much more of the people round about me in the City than I do of any other place in the world.

1281. You told us there were no poor in your own parish?—I said the people; I did not say the poor. I know the housekeepers, and I know how many children they have got, and I know where their children go to school, and I know their wives, and I have the means of knowing, if I do not actually know, the employes in the Bank of England and in the London and Westminster Bank, and I know what their circumstances are, or I can find out. With regard to the property, I know where the property is, and I know all about it, and I am as well known there as you are in your own home, and you will find that is the

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the case with a great many of the City people. We live among our people, and know all about them, although we do not sleep there all night.

1282. I do not doubt but I was asking you with regard to the poor. We should not understand the persons employed in the Bank of England and the London and Westminster Bank as being poor in the ordinary sense. I ask you what means you have of knowing the condition of the poor in the City?—As a fact, if you want to know, I have the means of knowing all the poor in the City, though I do not so often avail myself of it now as I ought to, for I am one of the guardians of the poor.

1283. Are you able to attend the meetings of the guardians?—I have not lately, but I used to attend them pretty regularly.

1284. How often do you suppose you are able to attend them now?—I have not attended for a couple of years, or perhaps three years. Before that I used to attend, and if I had any duty cast on me with regard to the poor I should think it my duty to go and attend there oftener.

1285. Is it not the case that nearly all the trustees of the City parish charities do not reside within the City itself; do not sleep there at any rate, or have not dwelling houses?—Yes, but for the reason I have stated just now, I know quite as much of the people in my parish as if I slept there.

1286. You do not know them at home, do you. You do not know what they are in their own homes; the people who work in the parish?—Yes, I do some of them. I know a good deal about my own clerks.

1287. That is the clerks is your own office?—Certainly.

1288. Would you consider, I want to be quite clear about it, that the clerks in your own office are proper objects for the application of charity funds?—Some charity funds, undoubtedly, they are not fit objects for, but I am not at all sure that some of them would not be fit objects for educational purposes. For sending boys to middle class schools, or some which are for founding scholarships and things of that kind, I should consider them very proper persons.

1289. You do not think that would be liable to abuse; I do not mean by yourself but by persons in that position?—I do not think so.

1290. Mr. *Walter James*.] I think you told the Committee that you took an interest in that matter, dating from about the year 1877?—You see I took an interest in the matter, dating from the year 1868 apparently.

1291. When you sent your memorial to the Home Secretary, was it not in the winter of 1877?—Yes; that was not the first beginning of it. The first beginning of it was the report I made to my own trustees, so to speak, in November 1877, when we found we were likely to get a surplus from our parish funds.

1292. Did that refer to your own particular parish?—That referred to my own particular parish.

1293. Had your attention, at the time you sent in your memorial from the parishes of St. Olave, Jewry, and St. Margaret, Lothbury, been drawn to the Report of the Charity Commissioners?—No.

1294. You had not seen it?—No, I have not even seen it now, that I know of.

1295. Are not you familiar with the report of the Charity Commissioners; the Twenty-fourth Report?—If it is appended to the Royal Commission.

1296. It is not only appended to the Royal Commission, but if you read the Report of the Royal Commission you must have seen it referred to?—I did not see it till after the Royal Commission came out.

1297. You were quite unfamiliar with it?—Yes.

1298. The action you took was quite apart from that Report of the Charity Commissioners?—Quite.

1299. Have you ever heard it suggested that instead of this matter being dealt with by an independent Commission, such as is suggested in your own Bill and in the Bill of the honourable Member for the Tower Hamlets, it would be desirable to increase the powers of the Charity Commissioners, and give them power to deal with this matter?—I think I must have said so very often myself.

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1300. Do you think it would be desirable?—I think, now we have got so far, we had much better go on with what we are doing. I do not mean to say that some years ago we might not have increased the powers of the Charity Commissioners; I mean the idea I had then was to have an independent Commissioner to go down to the City, and go from parish to parish and frame schemes for all of them.

1301. Would you have given him power to interfere without the consent of the trustees?—I think you will see what I said in my evidence before the Royal Commission. Sir Farrer Herschell asked me the same question, and I said if people were not prepared to do right I should make them.

1302. You were willing that the Commissioner should act independently and without the consent of the trustees; do you think it would be desirable to give the Commission power to act independently of the trustees?—Would you tell me what acting independently of the trustees means.

1303. Without the consent of the trustees?—I said then I should give the trustees ample opportunity of making schemes and doing what was right, and I have confidence that, being business-like people, they would do what was right, but if they would not, I would make them.

1304. Why is it that the Charity Commissioners between 1877 and the present time have not sanctioned any new schemes?—I do not know at all. I know they have not. Sir Seymour Fitzgerald said something to me about it, but it was gossip, and I cannot tell you what it was.

1305. Your own scheme for St. Christopher-le-Stock and other parishes was before that date?—For St. Christopher-le-Stock we never made any scheme. It was for the Mary Barnes' Charity.

1306. Mr. *Firth*.] Which parish is Mary Barnes' Charity in?—St. Margaret, Lothbury.

1307. Mr. *Walter James*.] I was going to ask you, so as to have it more clearly on the notes with regard to the executive committee, on whose behalf you appear?—I am not appearing on anybody's behalf.

1308. You appear merely in your own capacity?—I am only the churchwarden of St. Margaret, Lothbury, and I am coming to give evidence.

1309. Were not you the chairman?—I was the chairman.

1310. Have you retired now?—I cannot say I have retired, but I am sitting here as an individual.

1311. You are chairman of that committee still?—I was the chairman as long as the meeting lasted, and when the committee were there they used to vote me into the chair, but I have no claim to call myself the chairman.

1312. *Chairman*.] You are not the permanent chairman?—No, indeed, I am not; and when some of them pitched into me, I used to get out of the chair.

1313. Is there not a permanent committee?—There is a permanent committee, but I am not in any way chairman of it. As a matter of civility to me they used to ask me to go in the chair.

1314. You are a member of the committee?—Certainly.

1315. And when the committee meets it elects its chairman?—Yes.

1316. Mr. *Walter James*.] Will you explain to me what the committee is of which Mr. Pearce is the secretary?—That is the committee.

1317. That is the executive committee?—Certainly.

1318. Who is the chairman of that executive committee?—We have no chairman. They ask somebody to go into the chair, and they generally ask me; sometimes I am not there, and then they may ask Mr. Baggallay.

1319. In the Paper handed in by Mr. Pearce the other day, there was a list given of the executive committee, and I see some twenty parishes are represented on the executive committee; the date of the circular is the 5th of January 1882?—May I look at it?

1320. You have seen it several times, I think?—No, I have not seen it, indeed, until this minute. I daresay I have seen the original, but I have never seen this.

1321. You see the date is comparatively quite recent, January 1882; what I have handed you is a reprint of the circular issued by Mr. Pearce, appealing for subscriptions for the private Bill, and giving a list; you see there is the executive committee upon that?—Yes.

1322. Then

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1322. Then the others are representatives of parishes?—Yes.

1323. If you look at the head of that it states it is a list of churchwardens, trustees, and other gentlemen holding representative positions?—Yes.

1324. That is a list of churchwardens and trustees and vestry clerks?—Yes.

1325. I do not see any other gentlemen holding representative positions; would you kindly tell me if you observe any which you could call to the notice of the Committee?—I suppose these representatives only mean that they were the people to whom we sent our notices.

1326. Every one in this list is either a churchwarden, a trustee, or a vestry clerk?—Yes; I fancy the vestry clerks would only be there because we should address our letters to them.

1327. Are there any other persons holding representative positions who are members of that committee. Have you had any communication upon this subject with gentlemen connected with the corporation?—Certainly I have, for I have talked it over with Alderman Cotton and with Alderman Fowler, and I got them both to put their names to the Bill.

1328. I mean with any gentleman officially or otherwise connected with the corporation?—Certainly; Mr. Wingfield Hora is a deputy.

1329. Is his name in this list?—Yes; St. Botolph, Aldgate.

1330. Is Sir Thomas Nelson a member?—No.

1331. Is Mr. Bedford a member?—I daresay he may be, but I do not know who he is.

1332. Now that, you observe, is dated the 5th of January 1882?—Yes.

1333. Now I have got a list handed in by Mr. Pearce the other day, dated the 28th of March 1882, and in it you will observe the whole of those gentlemen now represent the executive committee. I want to know whether your executive committee is composed of the whole of those gentlemen, or the gentlemen on the list of the 5th of January 1882?—What I fancy is this; that we formed a very large executive committee, and then formed a sub-committee of the executive committee; that was all done last year, and not this year; that is what I think it was; I should suspect that the proper name for this is the sub-committee.

1334. That is the explanation?—I fancy so.

1335. When you had your meetings of your sub-committee, can you tell me how many members of the executive usually have attended?—They generally all attended except one or two.

1336. How many meetings have you held?—A tremendous number. We used to meet last summer twice a week, and sometimes three times a week, all through that hot weather.

1337. Then with regard to your meeting of the 29th of April, I wanted to ask you one or two questions. I want to call to your attention that there is a little inconsistency in connection with what Mr. Pearce said the other day. You say this was a meeting of churchwardens and trustees?—It was solely and entirely churchwardens, because what I said was this, as appears from the document I quoted, that we were a meeting of churchwardens.

1338. I observe Mr. Pearce in his evidence the other day was asked this: "They were churchwardens chiefly"? and he answered, "Churchwardens and trustees"?—I do not think he knew anything about it. I do not think he was there. I did not invite him.

1339. I think he was at the meeting?—I did not see him if he was.

1340. He says that there was also at the meeting a Mr. Tilleard, who was a vestry clerk?—I think that is very likely, but I did not know him to be a vestry clerk.

1341. And there was a Mr. Godden, a vestry clerk?—I am really not in a position to say whether they were or were not there. If I had known they were there, and had known they were vestry clerks, I should have asked them—

1342. To withdraw?—No; I should have asked them to remember that they were only guests there.

1343. Then, at that meeting what was the general drift of the speeches and the resolutions passed. Was not there some distinct policy shadowed out?—I think I read what the resolutions were to you: "1. That this meeting disapproves of the provisions of the Bill introduced into Parliament by private Members, under

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the head of the London City (Parochial Charities) Bill, and pledges itself to do its best to oppose that measure. (2.) That this meeting approves of the suggestion that any alteration in the administration of the charities should emanate from the authorities of the City parishes themselves. (3.) That this meeting approves of the formation of a committee consisting of one churchwarden from each parish."

1344. The general policy you put forward at that meeting was to oppose the principle of the Bill of the honourable Member for the Tower Hamlets, and support a Bill promoted by the City trustees?—I will not say support a Bill that was promoted by the City trustees, because we had not then determined upon having a Bill at all. What we had determined upon then was some action that might settle the matter.

1345. Then your resolution and policy at that meeting was not so much with regard to a particular Bill; but with regard to a general scheme that should settle this matter; that it should not be dealt with from outside, but that you should settle it yourselves?—I cannot quite say so far as that; because we should have been quite prepared, at least, I am speaking for myself, and the sub-committee would too, to have settled it in conjunction with Professor Bryce.

1346. You desired to settle it in conjunction with Mr. Bryce?—I do not say we desired it; but we should have been prepared to, and shortly after that, oddly enough, there was some suggestion, no doubt unfounded, that Professor Bryce was ready to make some proposal to us, and we had a meeting and determined the basis of an arrangement with him, but it never came. Somebody told us of it, and we had a meeting and determined a sort of basis on which an arrangement could be made.

1347. Is it the case that there are a certain number of churchwardens and officials who resist all projects of reform and are in favour of things remaining absolutely in the *status quo*?—No, I do not think I have met a single one. I think I have met some who have had views different from my own, but I do not think I have met a single one with that view. You mean a man who is satisfied with what there is now and does not want any improvement.

1348. You did not meet one?—No, I do not think I ever met a single one.

1349. You never had an opinion of that kind expressed by the existing trustees or vestry clerks?—I do not like to tell you that I may not have heard some fellows at a meeting use some expression of general grumbling against the whole lot of us; but it has not been a man saying, I do not want any change, or anything of that sort.

1350. You admit that amongst the trustees there is a certain amount of irritation; a little friction of your proposal, in fact?—I do believe I heard that some gentleman called me a traitor, and said I was as bad as Professor Bryce; I did hear that. I mean it was that sort of loose gossip to which I attached no importance, because when it came to voting they all voted with us.

1351. Then they were absolutely unanimous at this meeting?—Yes.

1352. You said something in one of your circulars about the impending destruction of the City parishes?—Yes, I did.

1353. What foundation have you got for that?—It may be that my foundation was altogether erroneous; but I will tell you what it was. In the 14th clause it says: "For the application of the property scheduled as ecclesiastical charity property to such of the ecclesiastical purposes to which the same is now applied as are, in the opinion of the Commissioners, still beneficial to the inhabitants of each of the said parishes or to any class thereof."

1354. I do not see what that has to do with the churches?—I will tell you exactly what my view upon that was. My view was, that if the Commissioners were to come to the determination that it was not beneficial to the inhabitants of the parish that any part of the endowment should be given to the church, that that would at once stop the endowment for that church, and by that means it was intended and contemplated that the parish church should fall into disuse, and perhaps be discontinued.

1355. Practically to starve them out?—Exactly.

1356. With regard to those questions, I was asking you a moment or two ago about the meetings, would you explain a little more fully than you have done to

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Mr. Bryce, why the clergy were not invited to the meeting on the 29th of April?—It was a private meeting of my own friends in a room which was hired by me; it was in continuation of meetings of churchwardens which had extended over a period from 1877, and I did not see any reason to depart from the previous arrangements, and I did not see any reason to summon them there.

1357. I do not wish to enquire too closely, and I hope you will not consider it an improper question to ask, or that I am going into private grounds or private reasons that the chairman of every vestry meeting in this country is by the common law the clergyman of the parish, and I should have thought of all people the clergy would have been the very first people who would have been asked?—I think the clergy have got a place where they meet together called Sion College; as I have said before, the churchwardens and laity have no place in which they can talk their affairs over together. There used to be a company called the Company of Parish Clerks; whether it was good or bad I do not know, but I believe it has ceased to exist. I wished to have a conference with my own brethren the churchwardens, and that is the way I gave effect to my wish.

1358. I believe you are a member of the Church of England?—Certainly.

1359. It seems to me somewhat strange that you should not have co-operated with the clergy in this matter. I cannot see your reason or your ground why the clergy were excluded from this meeting. Of course that was a matter which was within your private judgment?—Certainly. I mean it was a private meeting of me and my friends, and there was no occasion to summon the clergy to it.

1360. Did not you think the clergy would co-operate with you?—I am quite certain that a large number of the clergy would co-operate with me.

1361. Are you aware that a great many of the clergy of the City parishes have for a long time been seriously disturbed at the present state of things, and have looked with great dissatisfaction upon it?—You must be a little more particular as to what you mean by “the present state of things,” if you please.

1362. The state of things as disclosed by the Royal Commission?—We all have been that; not the clergy any more than ourselves.

1363. What attitude have the clergy taken with regard to the Bill promoted by Professor Bryce?—I believe that the clergy had an interview with Professor Bryce to begin with, but I do not know anything about it.

1364. You think the clergy are rather more favourably disposed to the Bill of Professor Bryce than to your Bill?—It cannot be otherwise, because I know the clergy in Sion College passed a resolution to petition in favour of Professor Bryce's Bill, but they also rejected by a large majority a proposition to petition against our Bill.

1365. You mentioned in your circular which you sent out on the 27th of May, that the names suggested for the temporary commission were vital to the scheme?—Certainly, I did.

1366. You suggest five Commissioners, do you?—Now it has got to five, but it was originally three.

1367. It is three in the Bill of Mr. Bryce?—And so it was in our scheme when it was first drawn.

1368. It is five in your own Bill?—Yes, now.

1369. *Chairman.*] Are they all five to be paid?—They are apparently, in the Bill, to be paid; but my idea is that they ought not any of them to be paid.

1370. *Mr. Walter James.*] According to the Public Bill one is nominated by the trustees, and two nominated by the Crown?—I do not think so. The Public Bill says it shall be lawful for Her Majesty to appoint Commissioners.

1371. By your Bill you suggest——?—That we should have a voice in it.

1372. You suggest one by the Corporation, and two by the Crown?—Yes.

1373. You give a practical working majority on your Commission to the body represented within the City area?—Certainly.

1374. It is perfectly clear that you give a working majority on that Commission to the representatives of the parishes, and to the Corporation?—Certainly.

1375. That would not be so if you had your Commissioners nominated by the Crown. You could not tell who they would be?—My view was that that

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was the essence of the thing that the Commissioners should be nominated, and that we should know who they were in the Bill.

1376. If you appoint Commissioners with a working majority, one appointed by the Corporation, and two by the trustees, you must keep things as they are?—I hope not; I should be extremely dissatisfied if we did. I hope the Commissioners would do their duty.

1377. I have only one more question, and that is with regard to the committee of representatives of parishes. Who is the treasurer to that fund?—Mr. Pearce.

1378. Mr. *William Lawrence*.] You have been asked, and I may say rather pressed, with regard to the question that if funds left for charity in a parish have been used in aid of the poor rates, that is a misappropriation of the funds?—Yes.

1379. Now, is it not the case that some of these funds were left to the poor of the parishes before poor rates existed?—I am not quite sure whether that is so.

1380. At any rate when the funds were left for the poor of the parish they were used for the poor in that parish long before there was any union of parishes?—Yes.

1381. Or any payment to the union funds?—Yes.

1382. And being used in the payment of the poor rate of the parish to relieve the householders of the parish from contributing to the poor rates?—Certainly.

1383. And when the poor were taken into the union of the parish the funds used in contributing for the poor rates of the parish to the union paid the expenses of the poor in the parish and released the householders in the same way as formerly?—Yes, that is how it was done.

1384. Do you consider that that application of the funds is a misappropriation of funds left specially for the poor of the parish?—It is a thing I would not like to have done myself.

1385. Quite so; but you are aware that in some of the parishes money has been left to the parish without any limitation whatever for the use of it, but simply for the benefit of the parishioners?—I believe that, under those circumstances I have stated before there are parishes who have, so to speak, private property of their own.

1386. And you think a man may leave money and property to his parish in the same way that he would leave it to his club or his company?—I think so; it is a question of fact; and as the Chairman says, a question of law also; but I should think, in the first place, it would be a question of fact.

1387. *Chairman*.] Assuming there is a question of fact, then there remains a question of law?—Yes, it must be quite clear that it was not intended, so to speak, for any trust or purpose, but for them to do what they liked with.

1388. Take the case of there being no evidence at all; that the trust deeds are lost, and there is no evidence whatever, but that the parish is in possession of property?—Yes.

1389. Then there is a question, could that be treated as private property?—I should assume against the parish in favour of there being a trust then.

1390. Mr. *William Lawrence*.] But presuming the parish had used it for the benefit of the parish for the last 200 or 300 years, would you not consider that would have some weight with regard to whether there was evidence of trust or no trust?—Certainly.

1391. You have been asked with regard to placing the property in the hands of the official trustee of the Charity Commissioners; is it not the fact that the Charity Commissioners, if they take property into the hands of their official trustee, usually order the property to be sold and place the money in Consols?—It was so sometime ago. They were very fond of ordering property to be sold.

1392. That was generally the rule?—It was done sometime ago.

1393. With regard to property with which you have been connected, if that had been sold some years since and placed in Consols, would not the present value of the property be very much less than it is at the present moment?—

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Certainly, that has been one reason why I have always advocated the not allowing the sale of trust property.

1394. Are you aware of any case where the property has been held by the official trustee, and that property has increased to any appreciable amount whatever?—I cannot answer that question.

1395. You are not aware of any?—I am not aware of any.

1396. You think if money is placed in the hands of the official trustee there is safe keeping; but the probability is that there will be no further increase?—That is what I should expect.

1397. Mr. Bryce.] Why should you expect that?—I will tell you why, because I do not see the interest in the official trustee to do what we have an interest to do for ourselves.

1398. You are assuming the official trustee has the management?—I will give you the instance I gave you before. I do not think any official trustee would have done what I did, namely, spend the 400 l. which I had saved for the purposes of repairs, in case I was called on to do them, in buying a piece of land and entering into that arrangement by which my property was rendered more valuable.

1399. You think he would not?—No.

1400. Mr. William Lawrence.] Do you believe the official trustee, or those who act under him, have sufficient knowledge, in order to manage the property for the benefit of the property, in the same way as the trustees who now manage it?—I certainly think that the present trustees are very much better than any amount of official trustees.

1401. And in your experience, has not the result been that the property in the City of London under the present trustees has increased enormously in value?—Enormously.

1402. You have been asked with regard to giving the surplus funds to those who work in the City, in preference to those who work outside the City. Do you adhere to that proposition?—I should very much like to see it done, but we have not asked for it in this Bill, for the reason I have stated.

1403. Your view, I think, as you stated, was in favour of the surplus, if possible, being used to the advantage of those who worked in the City next to those who inhabit it?—I said so before the Royal Commission.

1404. Do you consider that sleeping in a town or place is a necessary essential to the knowledge of the locality, or the neighbourhood where a person sleeps, any more than spending the whole day there. You have been pressed very much on that point?—There is only one observation I would make on that. I consider that it is the duty of every clergyman to be resident in his parish, but with that exception I myself have had opportunities of knowing the people in my parish, and I am very glad I have done so.

1405. Do you think my inference can be drawn with regard to the parishes in the City of London, or as to the City of London itself, from the number of the population sleeping in the City?—No.

1406. According to the last census, it shows a decreasing sleeping population?—I believe so. My own parish has increased slightly.

1407. Is it not the fact that the number of people in the day time working at their employment, and carrying on a large business in the City, has increased considerably since the last census?—I believe so.

1408. Mr. Talbot.] I should like to ask you a question or two about the constitution of the proposed Commission. I see in Clause 2 of your Bill, you propose that there shall be five Commissioners, two of them to be appointed by Her Majesty, one by the Corporation, and two, what we may call nominated Commissioners. Who are to appoint the nominated Commissioners?—We.

1409. Who are "we"?—The trustees, I believe. That is what we intended, and I hope it is there.

1410. I should like to know exactly what "we" means?—What I mean is this, that I should have them nominated by a meeting.

1411. A meeting of whom?—Of the representatives of the parishes.

1412. That is rather a vague description. Perhaps you will be able to elaborate

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elaborate that a little before the next meeting of the Committee?—I do not think so.

1413. Because it is rather important to know who are to be the two out of the five Commissioners. When you say “we,” you mean the representatives of the parishes?—Yes.

1414. How are the parishes to elect representatives?—In vestries.

1415. This is with regard to almost half of the whole body of Commissioners?—I have answered it. That is one of the reasons why the Commissioners are not put in there, because we thought that must be a special matter, and considered at a special meeting.

1416. I quite understand that, and it is a very important point, and it is rather important that the Committee should clearly understand who are to be the electors?—I have just answered that.

1417. You have answered it in one sense, but when you say the representatives of the parishes are to meet and elect two persons, I should rather like to know in what way they are to meet. Are they to meet in any organised body, or to have a meeting at your house, or where are they to meet, or how are they to meet?—For choice, I should say, the Cannon-street Hotel.

1418. Who is to summon them. What official position would they have?—They would have no official position at all, except that of people summoned together to consider upon a matter which was interesting to them.

1419. Did you, in your experience, ever hear of Parliament consenting to a Bill, one of the provisions of which was, that two out of five Commissioners are to be appointed by a meeting of gentlemen held at the Cannon-street Hotel; did you ever hear of such a proposition?—I never heard of such a Bill as this before.

1420. It is your own Bill?—I know that, but I say that I never heard of such a Bill as this before.

1421. I am not advocating the Bill, but I only want to know how you define it. Then I see these Commissioners are to receive such salaries as the Commissioners of the Treasury may assign to them. Have you ever calculated the amount of salaries for them?—My own view upon that would be this: I should not pay them by salary, but by fee for what they did.

1422. Then why do you put in your Bill that the Commissioners are to receive salaries?—I presume the salaries would be fixed by the Commissioners of the Treasury, who would say, we will give you a salary computed by fees, and so much for each attendance.

1423. Whether it be by direct salary or by fee, what I wanted to know is, have you any idea what the amount of salary would be?—I should think that ought to depend on the work they do; they ought to be paid by the job.

1424. That is rather an ominous word?—I did not mean it in that sense.

1425. Mr. *Little*.] You meant it in the sense of piece-work?—Yes.

1426. Mr. *Talbot*.] I want to ascertain if I can what is to be the cost to the community of this new Commission?—It would entirely depend on the length of time in which the Commissioners did it. If they set to work at it, I should think they ought to get through the whole business in a year. Putting down that each one of these gentlemen was able to earn by the work he did 500 *l.* a year, you would be able to compute what I think would be the expense of the Commission.

1427. Five times 500 *l.* Supposing the inquiry lasted instead of one five years, then it would be five times 2,500 *l.* a year?—I think it would not last five years; it ought not to.

1428. I see you do not seem to have looked upon the matter of the cost of the Commission as a very serious one?—No.

1429. But it is possible that it would be a considerable charge upon the community, might it not?—Not on the community, I believe, because I suppose wherever it was paid out of it would come out of the income of these charities.

1430. Your Bill does not say that?—Because I fancy that depends entirely on what the Queen would do, or the Commissioners of the Treasury.

1431. But I must take the Bill as I find it. If the Bill proposes that salaries are to be paid to certain persons out of the Treasury, that generally means that the

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the taxpayers are to pay for it?—I think we follow the Public Bill in that respect.

1432. I am not an advocate of the Public or the Private Bill, but I only want to find out the probable expense of this new Commission?—If the evidence could be taken, as I think it ought to be, well within a year, I think it ought to cost about 2,500 *l*.

1433. Put it at that if you like. Now where is the necessity to have a new Commission at all?—What do you mean by a new Commission.

1434. This Commission you propose to constitute by your Bill?—You must have somebody to ascertain the facts.

1435. Why should not the Charity Commission do this work?—I fancy the Charity Commissioners' hands are quite full.

1436. Do you know that they have said so?—I do not know it.

1437. Then supposing the Charity Commissioners were to say we are quite willing to undertake this work with a slight addition to our staff, would you say that is a reasonable proposition to make?—Do you mean upon a question of expense, or a question of doing the business.

1438. I want to know altogether whether you think it necessary to have a new Commission as proposed by this Bill, or whether you would be satisfied that the Charity Commissioners should do the work, supposing they say they are willing to do it?—I should like to think over that, speaking now and answering it straight off, I have not the least objection. I do not see that I should object to the Charity Commissioners, but I should like to think over it if I am coming here again. I do not care who does the work provided it is settled.

1439. I only wanted to know whether you had any reason for preferring the new Commission proposed in this Bill to the Commissioners appointed by Parliament, and who are sitting for the purpose of doing this work which this Bill is intended to do. I understand you will be prepared with an answer to that at our next meeting?—Yes. If I could get off being summoned again I should like it. I should be almost prepared to say I do not see much objection to the Charity Commissioners.

1440. I will take it so if you like?—But as I am to be here, I should like to think it over by next time.

1441. I only want to have your opinion either now or hereafter, because you are a very important person in this matter?—If I am only giving my answer as Edwin Freshfield it is one thing, but if I am giving an answer as representing other gentlemen, I should like to have a talk with them first.

1442. Would you give us your answer in either capacity now, or would you like to defer it?—I should like to defer it.

1443. *Chairman.*] Have any circulars been sent out by your committee in anticipation of the vestries to be held at Easter?—I do not think so. I have not heard of any.

Chairman.] Have any circulars been sent out, Mr. Pearce?

Mr. Pearce.] Yes.

Chairman.] What circulars?

Mr. Pearce.] Applications for subscriptions, and I have had responses from many of them, and money, from the vestries.

Chairman.] Have you got a copy of the circular?

Mr. Pearce.] No, not with me.

Chairman.] Perhaps you will bring it with you next time?

Mr. Pearce.] I think they are only letters written to a great many of them.

Friday, 21st April 1882.

MEMBERS PRESENT:

Mr. Baring.
Mr. Bryce.
Mr. Corry.
Mr. Cubitt.
Mr. Horace Davey.
Mr. J. B. Firth.
Mr. Lewis Fry.

Mr. Gorst.
Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Earl Percy.
Mr. Talbot.

The RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

Mr. Edwin Freshfield, re-called.

1444. Mr. *Horace Davey.*] Do you seriously contend that any of the endowments which are proposed to be dealt with by the Public Bill are not charitable endowments?—Yes.

1445. I have read your evidence already given. Is that on the ground that some of those properties are held in trust for the parish?—That they were purchased by the parishes, out of their own monies, and are applicable for such purposes as the parishioners choose.

1446. In other words, they are held in trust for the parish; is that your contention?—No. As I told the Chairman before, it is first a question of fact, and then a question of law. If I found a property purchased by the parish, and I found that they had rated themselves and purchased it themselves, then I should consider that that was their own property, free from any trust whatever.

1447. I assume the fact. Do you contend that where a property is held in trust for the parish or for the parishioners it belongs to the parishes as their private property?—I stated just now what my contention was.

1448. Will you be kind enough to say “yes” or “no,” whether that is your contention?—My contention is this; it is first a question of fact.

1449. I assume the question of fact?—Will you please repeat your question.

1450. Assuming the question of fact, that property was purchased out of parish funds?—No, if you please; not out of parish funds; the parishes rated themselves; those are not parish funds.

1451. I did not mean to raise any point of that kind. Assume that property was purchased by money raised by a rate of the parishes, and was conveyed to trustees for the use of the parish, is it, or is it not, your opinion that that is not charitable property?—I did not say anything about conveyed to trustees for the use of the parish.

1452. That it is vested in persons for the use of the parish?—That it becomes vested in persons for the use of the parish under the circumstances before stated.

1453. Is it your contention that that is not charitable property?—Yes.

1454. A parish is not a corporation capable of holding land, is it?—I could not answer that question; I should fancy that for certain purposes the rector, or the rector and churchwardens, or the churchwardens, might be a corporation.

1455. I am not speaking of that, but I am speaking of property which, to use your own expression, belongs absolutely to the parishioners?—But you said it would be vested in somebody.

1456. I presume it is vested in somebody?—If it is vested in the churchwardens,

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Mr. FRESHFIELD.

[Continued.]

wardens, or the churchwardens with the rector, or the rector, it might be in a corporation, I think.

1457. The churchwardens in that case would be a corporation, you say?—Probably if I were driven to consider all these points I should state a case for your opinion.

1458. Would not a perpetual trust of a charity for the use of or in trust for such a fluctuating and indefinite body as the parishioners be void in law?—I hope not; I think not.

1459. Could it be supported on any other ground than that it was a charitable use?—I think that is one of the very questions which will have to be settled in this matter.

1460. Has your attention been called to the case of the Attorney General *v. Webster*, before the present Master of the Rolls?—I have heard something of it.

1461. I need scarcely ask whether you are not a solicitor of great eminence in the City?—I am not a solicitor here; I am a churchwarden, if you please.

1462. You have come here to give the Committee information?—As a churchwarden and trustee.

1463. Have not you acquainted yourself with the law relating to these charitable trusts?—Not as a lawyer.

1464. I will ask you again: Has your attention been directed to the case of the Attorney General *v. Webster*, before the Master of the Rolls?—Yes.

1465. Are you aware that that case related to one of the very charitable properties which is proposed to be dealt with in this Committee?—No.

1466. It related to the parish estate of St. Stephen's, Coleman-street, which I think is one of the parishes in the Schedule to the Public Bill. Are you aware that in that case that property had been purchased from Lord Wentworth, the grantee of the ground, by the parishioners themselves?—I think that is very likely; I was not aware of it. I know something of St. Stephen's, Coleman-street, generally.

1467. Is not it the fact that what is called the parish property of St. Stephen's, Coleman-street, was in fact purchased by the parish from Lord Wentworth, who was grantee of the ground?—I did not know it. I dare say it is so.

1468. It is so stated in the Report?—If you say so I do not doubt it is so.

1469. Are you aware that the Master of the Rolls in that case held that a trust of property in favour of a parish, or the parishioners of a parish, for ever, can only be upheld on the ground of its being a charitable trust?—I was not aware of it; but there, again, I should say it was a question of fact.

1470. Assuming the question of fact that a property is held in trust for the use of a parish, or the parishioners of a parish for ever, are you aware that it has been decided by the Court that that can only be upheld upon the grounds of its being a charitable trust. Would you mind answering my question. I am sure you will give me credit for not wishing to confuse you. I ask you a simple question: Are you aware or not that it has been so held?—I am aware that in a particular case the Master of the Rolls has given a particular judgment.

1471. And to that effect?—I would rather not say more than that I am aware that in a particular case the Master of the Rolls has given a particular judgment.

1472. Are you aware that he said in that case, "I do not entertain the slightest doubt on the law of the case"?—I could not tell you without seeing the report of the case; I will admit whatever is in that case was decided in that particular case.

1473. Will you admit that it is good law?—No.

1474. Then you dispute the authority of the case of the Attorney General *v. Webster*?—If it were my case I should have appealed it.

1475. It was not, in fact, appealed?—I had nothing to do with it, so I do not know; I believe it was not.

1476. I will read you an extract from the Master of the Rolls' judgment; he says, "It is impossible for the defendants," they were the trustees of the

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[*Continued.*]

parish of St. Stephen's, Coleman-street, "to make out how you could have a valid trust for the benefit of the parishioners without its being charitable." Do you agree in that statement?—I fall back on the question of fact.

1477. But assume the question of fact?—It may be that that was his decision in that case.

1478. This is stated as a general proposition; I really want to know what your contention is. Do you contest this statement of the law of the Master of the Rolls, which I will read again: "It is impossible for the defendants to make out how you could have made a valid trust for the benefit of the parishioners without its being charitable"?—I think I could have made out the contrary.

1479. Then you do contest that statement of law of the Master of the Rolls?—What I said was, that if the case had been one of mine, I should have appealed it.

1480. I want to know whether you do contest that statement of the law by the Master of the Rolls?—If the Chairman thinks I must put my opinion against that of the Master of the Rolls, I will do so; but I should prefer to say I should have appealed it.

1481. Has your attention been called to a recent case in the Court of Appeal of the Attorney General *v.* Humphries, relating to parish property of St. Martin's-in-the-Fields?—No.

1482. You are not aware whether the Court of Appeal considered the point unarguable in that case?—No.

1483. Are you aware that the opinion expressed by the Master of the Rolls in the Attorney General *v.* Webster was supported by the earlier case to which he referred, of the Attorney General *v.* Lord Hotham?—No.

1484. Do I understand you to confine your contention to property which was purchased by the parishioners by a rate?—I would not confine it to that only. I would say, or property that came to it in that sort of way.

1485. I must ask you to explain what you mean by "that sort of way"?—I would say, perhaps, not by an actual rate, by voluntary contribution among themselves for a particular purpose. Property acquired in that sort of way, I would say.

1486. Either by a voluntary rate?—Or by an actual rate.

1487. Or by subscription?—Yes.

1488. Where the property was purchased in that way, and henceforth held for the use of or in trust for the parish or parishioners, it is not charitable property?—Yes.

1489. I see, in your evidence, at pages 84 and 85, Question 1203, Mr. Bryce asks you, "There is a misapprehension on this point amongst the Promoters of the Private Bill, and that is why I asked the question whether you are not aware that the vesting in the official trustee makes no difference to the management by the trustees?" and you reply, "I do not know it. I say I can understand when the property is vested in a person it means that the legal estate is vested in him, and it is his business to look after it." Do you seriously say that wherever the legal estate of property is vested in a person he necessarily has the management of it?—I say that if the property is vested in the official trustee the official trustee is the responsible person.

1490. Responsible for what; for the management?—Responsible for the important part of the management.

1491. Are you not acquainted with numerous cases, in your own experience, where the legal estate is vested in certain persons, and the absolute management of the property is vested in others?—We were speaking of the official trustees.

1492. No, I am speaking of trustees generally?—I think it is very likely, but I am speaking of the official trustee.

1493. Now we will take the official trustee. Have you looked at the Act of Parliament by which the official trustee is created?—The Charitable Trusts Act?

1494. Yes?—I have looked at it somewhat.

1495. Do you find anything there about property vested in the official trustee being managed by him?—I can tell you practically what it comes to. It is vested in the official trustee; and it is in the same way as if you were to tie me to a dead body. I cannot do anything without having to go to this official trustee,

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[Continued.]

trustee, who goes to the Charity Commissioners before anything can be done. That is what the practical effect of it is, whatever the legal effect is.

1496. Is not it a fact, where charitable land is vested in the official trustee, and the management is given to a governing body or a body of trustees, or whatever they are called, that the absolute management, subject to the control of the Charity Commissioners, is vested in the trustees, or governing body?—"Subject to control" is the whole thing.

1497. Subject to the control of the Charity Commissioners?—Certainly; because the official trustee, as I understand it, is a mere name for the Charity Commissioners.

1498. I will ask you the question again; is not it the fact, that where property is vested in the official trustee, and the management is in the governing body, the governing body of the Charity have absolute control over the management, subject only to the supervision of the Charity Commissioners?—They can do nothing without the Charity Commissioners.

1499. The official trustee has nothing to do with the management?—The official trustee is a mere name for the Charity Commissioners.

1500. He has nothing whatever to do; he has no voice in the management of the property; is not it so?—Nothing can be done without him.

1501. He has no voice whatever in the management of the property, has he?—I do not know that.

1502. Is not that within your knowledge?—I do not know that,

1503. *Chairman.*] Supposing the property be a house; if it were vested in the official trustee, the freehold would be in the name of the official trustee, I presume?—Yes, I fancy so.

1504. Would not it be possible for the trustees of the charity still to let that house, and to manage it in that sense?—No. Directly you come to let the house, what would happen would be this; or supposing a railway were to come and take away a small piece of the property.

1505. That is a different matter; then it comes to dealing with the fee of the land; but surely if the house is let by the year the management of the house would remain in the trustees of the charity, would not it?—The receiving of the rent would; but any alteration in the letting would have to come before the Charity Commissioners.

1506. *Mr. Horace Davey.*] Suppose the property were vested in the trustees themselves, who were also the managers of the property, is it not equally true that they cannot manage the property without the control of the Charity Commissioners?—I think not.

1507. Beyond such ordinary things as letting from year to year, or things of that kind?—I think not.

1508. They cannot grant any leases?—I think not.

1509. Without the leave of the Charity Commissioners?—Yes; they cannot buy any property without it.

1510. Do you say there is any difference in the position and powers of the managers where the property is vested in the official trustee and where the property is vested in themselves?—Certainly.

1511. That is your opinion?—Certainly; so strong is it that if this were to happen in the trusts managed by me I would not remain a trustee for a day.

1512. Is it within your knowledge, or not, that where the Charity Commissioners frame schemes for the future administration of a charity, it is the invariable practice, or, I will say, almost invariable practice, to vest the property in the official trustee?—No.

1513. Where they settled schemes under the Endowed Schools Act; is not that the case?—In my own case it was so.

1514. Is that the only case that you know of?—I do not know of any other cases.

1515. *Mr. Bryce.*] Which was that instance?—Mary Barnes' Charity."

1516. *Mr. Horace Davey.*] Have you had any experience in schemes framed in the Chancery Division?—No, none at all.

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[Continued.]

1517. Can you tell me whether it is the practice in the Chancery Division to vest the property in the official trustee?—I cannot.

1518. Is not the object of vesting the property in the official trustee to prevent the expense and inconvenience of having successive appointments of new trustees wherever a trusteeship becomes vacant?—I do not know; I do not think so.

1519. You do not think that is the object?—No.

1520. What do you think is the object?—To keep it in the hands of the Charity Commissioners.

1521. Is it any more in the hands of the Charity Commissioners when it is in the official trustee than when it is not?—Yes.

1522. I saw in the newspapers, if I am at liberty to refer to it, that an opinion had been given by Mr. Kekewich as to the payment of the expenses of the Private Bill?—Yes,

1523. Have you got the case upon which that opinion was given?—Yes.

1524. Have you any objection to produce it?—I have not the slightest objection to produce anything. (*The same was handed in to Mr. Davey.*)

1525. I see it is a private letter?—No, indeed, it is not; I wish it to be read out, because something has been said about it, and you have asked for it. It is a letter from me to Mr. Kekewich on the subject.

1526. An opinion was published in the newspapers as having been given by Mr. Kekewich—

1527. *Chairman.*] Was that since our last meeting?—I think so; it was since I was examined last.

1528. *Mr. Bryce.*] Does the letter constitute the case which was laid before Mr. Kekewich?—

1528*. *Mr. Horace Davey.*] That is the case on which Mr. Kekewich advised?—The letter states what papers were laid before Mr. Kekewich, which, with the letter, form the case.

Mr. Law.] Would not it be better that in answer to the question what case was laid before Mr. Kekewich, Mr. Freshfield should read the letter himself, and give it in as part of his evidence direct?

Chairman.] Of course that would be the formal way.

1529. *Mr. Horace Davey.*] This is the only case which was laid before Mr. Kekewich, was it?—I will read the letter:—“5, Bank-buildings, E.C., 1st April 1882, —My dear Arthur,—I should very much like you to give me your opinion upon this matter. Enclosed is the Report of the Royal Commission upon the City Parochial Charities; accompanying also is a printed document showing a Bill introduced by Bryce, and a Bill introduced by the City churchwardens. The City churchwardens’ intention has been to follow the Report of the Royal Commission as near as they can, and you will see from the details of the Bill how nearly we follow it, and where Bryce departs from it. Bryces’ Bill of last year (a copy of which is also sent), you will see in that which relates to Ecclesiastical Charities, was even further from the Royal Commission in that respect than his present Bill. Upon his last year’s Bill the churchwardens and trustees of the City Parochial Charities determined to introduce a measure of their own, founded upon the Report of the Royal Commission, and this they have done, and under my advice they have contributed funds towards its being carried through Parliament, upon the principle that they were justified in spending a reasonable proportion of the income of the charity money upon the scheme, in accordance with the Royal Commission, which was to be for their future benefit and guidance. The proportion asked for is about 2,000 l. out of an income of say 117,000 l. The question I wish to ask you is, whether you consider that the advice I gave was good, and if the amount asked for is reasonable, having reference to the largeness of the income. Please do not write your opinion without saying a word to me about it. Mr. Pearce, the secretary to the churchwardens, and I will see you some time on Monday.” That was written on Saturday, the 1st of April, the day after I was examined, and thereupon we saw him on the Monday.

1530. Previously

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[Continued.]

1530. Previously to that no opinion of counsel had been taken on the question?—None.

1531. And you saw Mr. Kekewich on the following Monday with Mr. Pearce, and had a conversation with him?—Yes; I should like to state the principal reason that induced me to have a conversation. Mr. Pearce and I did not altogether take the same view upon one point. Mr. Pearce thought that it was the bounden duty of the trustees to promote this Bill; I thought they were justified in doing it, but that if they had not done it they would not have been guilty of any *laches*. Permit me to add: Supposing, as is stated, that the Attorney General is going to question all this, this will all be settled in the law courts. I have not the least objection to tell everything I know, and to everybody, but it does seem to me that if this is to be hereafter decided in the law courts it is rather unnecessary to go into it here, and yet for all that I will go into anything you want.

Mr. Law.] May I ask that the opinion should be in. There was a cross-examination a short time ago as to what the words “we are advised,” and so forth, meant at different times, and this would really explain it. No opinion had then been taken, but that was the opinion of Mr. Freshfield and others, and now this opinion, practically, fortifies the opinion which he then expressed.

Mr. Baring.] You could not say that, because he has been advised subsequently that would justify the expression “we are advised,” used 10 days ago.

Mr. Law.] No; it only completes the story which the letter read just now leads up to.

1532 *Chairman.*] I should be guided very much by what Mr. Freshfield wishes; it is a matter of complete indifference to me?—So it is to me, most complete; but as counsel wishes it, it had better go in. (*The same was handed in.*)

1533. Mr. *Horace Davey.*] To recur to a point I was asking you about before. At Question 1206, on page 85, Mr. Bryce sums up in this way: “If it was shown to you that the vesting of the property in the official trustee would not make any difference to the management of the property by the present trustees, would your objection to that vesting continue?—A. If it did not make any difference to the personal responsibility of the trustee that the property was not vested in them, then I should see no objection to it; but I cannot see how any person can be personally responsible for the management of the property which is not vested in him.” Do you seriously mean to say that?—Yes, I do.

1534. You think the vesting of the legal estate in the person who is to manage the property makes a difference in his personal responsibility?—Certainly; including as I do in the word “management” complete management, not merely the receipt and distribution of the income.

1535. You think the question where legal estate is vested makes a difference in the personal responsibility of the manager?—Certainly.

1536. That is your opinion?—Yes.

Mr. Baring.] You expressed a very strong objection to the Preamble of what you call the Public Bill.

1537. As to the words, “become practically useless, and a great part of such income is now unapplied, or wasted, or misapplied”?—Yes.

1538. You do not contend, I presume, that no part is unapplied, wasted, or misapplied; I ask you whether you objected to the words “a great part”?—It is very difficult to answer the question without giving an explanation.

1539. Do you allow that part is unapplied, wasted, or misapplied?—I should like to say instead of that, that it is not applied to the best purposes.

1540. I should like to go into some details then. In Midwinter's Charity, in the second volume of the Evidence, Question 3905, in the parish of St. Faith, you will find the answer: “The corpus of the charity is vested in the official trustees, and the annual income is from time to time invested.” Would you not hold that to be unapplied?—I should consider that the trustees of that parish were not doing their duty in not trying to apply that income properly.

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1541. Do

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Mr. FRESHFIELD.

[Continued.]

1541. Do you not hold that it is at all events for the time unapplied?—Unapplied, no doubt. That charity is one for apprenticing boys, and I should consider that the trustees of any parish with so large an area as they had who did not apply the money properly were grossly neglecting their duty.

1542. You do not contest that it is unapplied?—It is unapplied. It is neither wasted nor misapplied.

1543. Page 8, Question 262, in the parish of St. Agnes, I think it is?—May I say something upon this. This was all considered by the Royal Commission. The Royal Commission stated what they had got to state, and when they considered property had been wasted or misapplied they gave the evidence and stated the circumstances of the case. My objection to the words wasted or misapplied in the Preamble of Professor Bryce's Bill is that they constitute a sweeping statement without any indication of the particular people to whom they are intended to apply, and therefore they are applied to people who did not waste and misapply.

1544. I understand that you are willing to accept the statement that part of such income is now unapplied, wasted, or misapplied. Of course, if you are willing to accept that statement, and only object to the words "a great part," we shall probably agree?—I do not like the insinuation that is conveyed in the words "wasted" and "misapplied."

1545. I do not want anything to do with insinuations, I merely want facts?—My objection to repeat these words is founded upon the fact that an insinuation was raised against myself, arising out of this particular Bill, the use of the words wasting or misapplying, and that is my objection.

1546. You said if this were not left out of the Preamble you would do all you could in a place where we have no control?—I never said anything of the sort. If you kindly read my answer you will see I said, "With great submission to the Committee, I should take every constitutional means in my power to oppose the Bill wherever I found it." I should not venture to use an expression to this Committee implying a threat against the House, of which it is a Committee. I said I should use every constitutional means, and I shall.

1547. That was my misapprehension. You do not admit that the income is any of it unapplied, wasted, or misapplied?—I do not like the use of those words. We are here because we want to be able better to apply our income; we are all here for that purpose, and I do not like the use of those words.

1548. Do you consider that 38*l.* odd for a dinner at the Crystal Palace, for the parish of St. Margaret Pattens, is wasted. Do you not consider that dinners at Windsor and Greenwich, for the parish of St. John Zachary, are a waste of charitable money?—It entirely depends upon the purpose for which that money was given.

1549. It surely was not given for dinners?—I do not know that; you want me to express an opinion without knowing the facts.

1550. Shall I refer to the Question; one is 5470?—"Dinner at the Crystal Palace, 38*l.* 1*s.*" That was before my time. It did not take place this year.

1551. I do not consider time; but the money was wasted?—I do not see the circumstances under which this was given.

1552. It is difficult to get it out here; but there is a gift for a morning service; there is a gift for a sermon, and there is a gift for bread; and the items to which attention is called of 38*l.* 1*s.* for a dinner at the Crystal Palace?—If the people applied the money that was to be given for daily morning service, in a dinner at the Crystal Palace, I should say that was a gross misapplication; but I venture, humbly, to hope it was not so.

1553. I cannot find anything else that it comes from?—You will see one thing in the Report of the Royal Commission. It is said: "We have found it impossible for us, on account of the length of time required, adequately, to carry out this investigation, to undertake an examination into the original deeds and records of the charities, and to determine what portion of the funds held by each of the several parishes is properly applicable to the purposes for which they are now used, and what portion ought to be otherwise used and administered." The Royal Commission really did not go into all the circumstances to enable them to judge upon the application of a great many of those funds.

1554. At the same time, I find no contention anywhere on the part of the trustees that either the dinner at the Crystal Palace, or the dinners at Windsor
or

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[Continued.]

or Greenwich, had anything to do with the original intentions of the founder who gave the money. I am perfectly certain that if there had been anything to justify such a contention, that argument would have been brought forward?—I cannot express an opinion upon that.

1555. *Chairman.*] There is no presumption?—No, I cannot express an opinion upon that without knowing the facts.

1556. *Mr. Baring.*] Do you not consider that the continuous supply of wine in the vestries is a waste of charity moneys; to me it naturally seems that it is a gross waste. Is there anything to show that it is not waste; there is nothing in the evidence?—When I first came to the parish, of which I am churchwarden, there used to be sherry in the vestry on Sundays, and one of the first things I did when I became churchwarden was to discontinue the use of sherry in the vestry. The sherry then was paid for out of the voluntary church rate; but notwithstanding that I did not consider that it was a proper thing to have, and I stopped it.

1557. I think your action then evidently shows that your opinion agrees with mine, that such wine in the vestries is waste. One more question as to the misapplication. Waade's Charity, Question 422, is for apprenticing, and it is applied to rebuilding houses?—"What do you do with the money? The property used to be let for 10 *l.* a year; when the lease expired it was found that the estate was in ruin, and wanted rebuilding, and all that we have done at present is to use the money for rebuilding as far as it will go."

1558. Do you not consider that was misapplication?—Oh, dear me, no.

1559. Sarah Dove's Charity, 5 *l.* to a hundred poor widows. Look at Question No. 2284. The witness is asked this question: "She directed that 100 shillings should be given out of the use of the 100 *l.* to a hundred poor widows of the parish; is that observed, or is that money carried to the amalgamated fund?—(A.) The payments to the vicar, the reader, and the clerk are carried out; we pay the vicar 10 *s.*, the reader 5 *s.*, and the clerk 5 *s.*, and the remainder is carried to the amalgamated fund." Do you not consider that misapplication?—The payments to the vicar, reader, and clerk are carried out.

1560. I mean as to the poor widows?—I was looking to see whether there was anything to give it to the vicar, clerk, and reader, but I do not see that anywhere here.

1561. That would make more misapplication still?—I should think that must point to their having some sanction for doing that from the Charity Commissioners. It stands to reason the Commissioners would never allow them to do that, because the account comes before them year after year.

1562. *Mr. Macfarlane.*] Do the widows not get the money at all?—I do not know; it is not my parish, and I do not know anything about it.

1563. *Mr. Baring.*] The widows do not get it. You consider that the non-payment of that money, or the transfer of that money to other purposes, is a misapplication?—I really should not like to express an opinion without knowing the facts. If it is the dry fact that money that was given to widows was given to somebody else, I should say that was very wrong.

1564. Can you imagine anything to be a drier fact?—I know nothing of the facts.

Mr. Gorst.] Is there any object in having the witness' opinion on all the evidence stated in the Report of the Royal Commission?

Chairman.] I see no objection to the question being put as it stands.

Mr. Baring.] The witness has told us he would do everything he constitutionally could to prevent this Bill being passed, unless certain words were embodied, which I hold to be words absolutely true; I want to know on what ground he thinks they are not true?

Mr. Gorst.] I do not object to the question, only to the utility of it.

Mr. Baring.] If Mr. Freshfield would rather not answer the question, perhaps he will say so.

The Witness.] I do not care a bit about answering questions if I know the facts.

1565. Taking the facts as given here, if these facts are true, do not you consider it is a misapplication if money left for a hundred poor widows is

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carried to the amalgamated fund?—If it is as stated there, it is a misapplication; but I will again say that all that must have come before the Charity Commissioners; and if the Charity Commissioners sanctioned it, they must have had some ground for doing so.

1566. *Chairman.*] You, yourself, have not been satisfied from anything in the Royal Commission that there are serious cases of misapplication?—What I said before was this; in their Report the Commissioners mentioned several cases of misapplication, and whenever they did so they mention the parishes; they give a reference to what they refer to. I have not the least objection to that; it is the general sweeping statement I do not like.

1567. *Mr. Baring.*] All these negotiations which led to the preparation of what we call the City Bill, I understand to have been conducted altogether without the co-operation of the City clergy. Is that so?—There was no clergyman upon the sub-committee, and the sub-committee practically drew the scheme. The scheme was submitted to the vestries, where, of course, the rectors would be present. As I mentioned to you, on one occasion I invited Mr. Hall, the president of Sion College, and we should have been pleased to see others from Sion College, if they had come as representatives.

1568. *Mr. Bryce.*] Did you ask them to come as representatives?—I did not.

1569. *Mr. Baring.*] Do not you think it would have been the more natural course to have asked those, a great number of whom were official trustees of the charities, to take part with you in those deliberations?—I have explained in my evidence how it fell out that as long as I had to do with it, I preferred to consult with my own brethren, the churchwardens, the clergy in Sion College, had a committee of their own to discuss this Bill, to which they did not invite us. As far as I personally was concerned, I should have been very pleased to see them if they had been sent as representatives from the parishes, or had offered themselves; but they did not, and there was an end of it.

1570. Do not you think it would have had much more weight if you had been invited, and had acted together, than as one body of churchwardens ignoring the clergy, and one body of clergy ignoring the churchwardens?—I do; very much more weight, I unfeignedly think so.

1571. Did you not invite them because they had before that taken no notice of the churchwardens?—Do you mean when I had to manage it?

1572. Yes?—Oh, no. I wished to have a place where the churchwardens might meet together to discuss among themselves what was for the benefit of their parishes, in the same way as the clergy had a place to meet, and I had hoped to have been able to have made some permanent arrangement that we should meet, as they met, and then that we should meet together when circumstances should render it desirable; but it fell out otherwise.

1573. With reference to the new governing body, as proposed by this so-called City Bill, do you think that such a body would be likely to possess the public confidence?—I hope so; I should think so.

1574. Do not you think that public confidence has been very much shaken in the general management of the charities by the trustees?—I hope not; it ought not to be.

1575. Do you think it would be a wise thing that 35 out of the 50 of the new governing body should be practically the old governing bodies?—In the Royal Commission the proportion was 15 members out of 26. We thought it was not a large enough governing body, and so increased it; but we have kept nearly the same proportion.

1576. You think that would have the public confidence?—I am sure it would.

1577. Do you object to the suggestion made by, I think, the counsel for the City Bill, that there should be representatives of what we may call outer London?—I do not mind anything, if we keep as near as we can upon the lines of the Royal Commission. The Royal Commission has given a certain proportion, how that is elected I am very indifferent.

1588. That is to say, so long as you have the working majority you do not care

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care who else comes in?—So long as we have the proportion given by the Royal Commission.

1579. Mr. *J. B. Firth*.] I should like to ask you if you have read the Report of the Endowments Committee of the London School Board on this question?—I have not.

1580. You know that the London School Board sent a circular to each of the City parishes asking for information?—I have heard so. I did not know that they asked for information; I thought they asked for subscriptions.

1581. No; are you not aware of it?—No.

1582. One was sent to the parish of St. Olave, Jewry?—I should think that is very likely; but I should not see it if it went to St. Olave's, Jewry; I do not remember ever having seen it.

1583. A letter was sent with the Schedule of the charities asking whether you had any objection on the part of your parish to have an application of funds that were not then being used for the purposes for which they were given; whether you would have any objection to their being applied for educational and other purposes; mainly educational in accordance with the 30th section of the Endowed Schools Act of 1869; I should like to ask you now whether you have any objection to that application of them?—I should like to see the 30th section of the Endowed Schools Act. Mary Barnes' Charity is a scheme under the Endowed Schools Act, so that we have practically gone as far as we could under the Endowed Schools Act.

1584. This Act goes very much further; it refers to endowments of other kinds?—I think I said, in my evidence before the Royal Commission, that we have a small sum for doles which we intended to apply under a scheme.

1585. Would you be willing, so far as you are concerned, or is it the opinion, to any extent, of those you represent, that funds of this kind may be or ought to be applied to educational purposes?—They may be so applied, certainly; I should have applied some in that way.

1586. The difficulty has been this: the words, "with the consent of the Governing Body," were inserted, and the governing body have not hitherto consented, therefore the object of sending the letter to the City parishes was to know whether they would consent; can you say whether they would consent in the case of endowments of this kind which have failed, that they should be used for educational purposes?—Answering for myself, I should, certainly. I intended to do so myself.

1587. Have you formed any definite opinion as to the form which such educational appropriation may most usefully take?—I should have taken powers in my scheme to apply the money to the ward school; the school we were speaking of at the commencement of my examination.

1588. You are aware that the Charity Commissioners have objected in their Twenty-fourth Report to the appropriation of these funds to ward schools?—I do not know that.

1589. I will read you what is said in the Twenty-fourth Report of the Charity Commissioners: "In our Thirteenth Report we drew attention to the large income available for charitable purposes possessed by many of the parishes in the City of London. Of many of these charities no deeds of foundation are found to exist, but by such parish records and memoranda as are available they appear to have been intended originally for the benefit of the poor within the parish. But from the altered circumstances of the City, many of these parishes have now no poor, and the revenues are administered by the churchwardens and overseers at their discretion, for miscellaneous objects; nor can the administration of these large revenues be considered satisfactory as regards the objects for which they are applied, for while considerable sums are given to increase the stipends of ministers, or to defray the expenses of ward schools, large sums are also given under the head of "General Parochial Purposes" to increasing the salaries of, or the presentation of testimonials to churchwardens or other parish officers, and to other objects sometimes of a convivial nature still more widely removed from the original objects of the foundation." That is what they say with respect to the expenditure which you say should be given to ward schools; you do not agree with that?—I would answer that in this way; we had two funds; we had a fund for apprenticing boys, and as I explained that was for a

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higher class of education, in a certain sense, than for the mere poor. We gave that to Mr. Rogers' school, the corporation of the middle-class school, for the purposes of the education of the children of clerks. I should like to give the money from the doles to the ward school, because that is for a lower class altogether. I should like to give it to them, because that is more for the poor than the middle-class schools are; that is the only reason. I would just as soon give it to Mr. Rogers' middle class schools.

1590. Practically, it does amount to some difference from the Charity Commissioners' opinion. Would you be willing to appropriate any portion of it; suppose we say the surplus over what you suggested should be applied to ward schools for the benefit of education in any form outside the City of London?—If there was any surplus, certainly.

1591. What form would you suggest such educational assistance should take?—What I should like to do would be to found three or four large schools for boys, and three or four large schools for girls; something like the corporation of the middle class schools, and have some in the north of London, and some in the south, for the benefit of the sons and daughters of clerks. That is what I should like to see.

1592. Drawing your attention to what I read in this Report, namely, that these funds appear to have been originally mostly intended for the poor, would you agree to the establishment of secondary schools to which elementary children might go by scholarships, or in any other way?—You mean something rather better than a Board school?

1593. Yes; a class as to education above the Board school; but for the same children?—Mr. Rogers' school is more than that, I think.

1594. My question is for the same class of children?—Yes, I think so.

1595. *Chairman.*] The honourable Member does not mean for a higher class of children, but for the same class of children as is taken at the School Board schools, but who, by the means of these additional endowments, are unable to be sent to a higher class of school?—Yes; so as to help the people, who could not otherwise go to a higher class school to go there; certainly.

1596. You would approve of the surplus funds being employed in that direction?—Certainly, but not exclusively.

1597. *Mr. J. B. Firth.*] By surplus funds, I understand you mean funds over and above what would be required for the scheme you have suggested about the City Ward schools?—No, I am speaking of the surplus under these Bills. What I said was this, we were to have what was requisite for the City, and then there was to be a surplus over. That has been the suggestion of all these Bills, more or less.

1598. *Chairman.*] If there be any surplus after applying all that ought to be applied to the City proper, then out of that surplus you would approve of a certain portion being applied in the manner referred to?—Certainly.

1599. Not all, but a certain portion being devoted to the purpose the honourable Member suggests?—Yes.

1600. *Mr. J. B. Firth.*] Is there any other purpose outside the City for which, when the City has been properly dealt with, you would be willing that such surplus should be applied, either for technical education or open spaces, or any other purpose of that kind?—I myself should prefer it all going to education. I should never have minded seeing a large well-organised system of pensions adopted, but then that would have to be adopted very carefully. I should never mind helping such an undertaking as that.

1601. You do not advance that as a special proposition now?—No; but it is included in the objects of our Bill.

1602. I should like to ask you with respect to the whole of these funds, whether you agree with this observation of the Charity Commissioners in their Twenty-fourth Report. They have referred to their Thirteenth Report, and they say: "In these circumstances we are compelled to recur to the suggestion made by us as long ago as the year 1866 in the Report quoted above, that these funds" (those are the whole funds of the City Parochial Charities) "are, in effect, so far liberated by the altered circumstances of the locality in which they are applicable as to require re-appropriation to new charitable uses; a work which can be carried out only by some special extension of existing jurisdictions by the

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the authority of Parliament." Do you agree that the altered circumstances of the locality justify the re-appropriation of the whole of the funds to new charitable uses?—No, not the whole; I should not agree to that.

1603. Mr. Pearce, in his examination, was asked this question: "Do you not consider that these poor extruded from the City of London have an equal right to an interest in the funds with those which remain." And he says, "Yes, particularly where they are still employed in the City in the evening of their daily livelihood." Then Question 200 is, "Are you prepared to admit that all these persons should have an equal right in the appropriation of the funds?" (A.) "Certainly." I wish to know whether you agree with the answers so given?—I think so. Am I to answer 201 as well; if so, I should like to read it over?

1604. By all means?—Yes, I agree with that.

1605. He says the persons outside the City of London have an equal right to the appropriation of these funds?—No, I do not think he quite says that.

1606. His answer to Question 196 means that?—The answer he gives is "Particularly where they are still employed in the City, earning their daily livelihood;" I agree to that.

1607. He says the number of regularly employed persons in the City are about 20,000; and then he is asked, are you prepared to admit that all those persons should have an equal right in the appropriation of the funds, and he says, "Certainly."—He says an "equal" right.

1608. That is the point of the whole question?—Yes, an equal right in the surplus after we have provided for the City.

1609. That is not the question?—Then I must ask you to let me limit it to that. I thought we were talking of the surplus; I should have been very pleased to have seen the word "parishioner" extend to those who work in the parish, as well as those who live in it, and then I think all the funds should be equally applicable to them; but as the Royal Commissioners did not allow us to include in the word "parishioner" those who worked, as well as those who slept in the parish, then it came back to this, that so much was to be allocated for objects actually in the City, and then the surplus was to be for everybody else outside, and then when it comes to that, I say the City requirements must be provided for, and after that all the outside are entitled to share equally.

1610. Have you considered any means by which those who work in the City in this way could have these funds, or the surplus of them, made available for them?—By education, certainly. To go back to that very small charity of my own, Mary Barnes' Charity, we have the sons of several people who work in the parish, who go to the middle-class schools under the charity; a policeman's son among the number, who has been for the last ten years constantly on duty in the parish.

1611. You are aware on this question that there are many thousands of poor that had a few years ago a settlement in the City, and a right by virtue of such settlement or by living in the parish, to a share in these charities, who, by the force of events, and partly by the act of the Corporation, have been driven out?—I do not know it, but I am quite willing to accept it; it must be so.

1612. Do not you think that those, if they could be reached, have an equal right to those charities with those who remain?—I wonder that they have not put themselves forward as people who have got a settlement, and have a right to them on that head.

1613. You do not in your Bill suggest any method of reaching that class of persons?—I am not sure that we do not.

1614. *Chairman.*] I am not sure that you do not, but you seem to put them into a secondary category?—Precisely.

1615. If I understand rightly your position on that point, it is, that in the first instance, after applying what you can within the City, then you consider the wants of people outside; but in the foreground you put the appropriation of the funds to clerks and people of that kind who are employed in the City?—I do not think so; I do not think we say a word about clerks.

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1616. I see at page 22, you say, "to the providing pensions for reduced professional men, merchants, tradesmen." I see I am wrong in saying clerks; "and others resident in the metropolis"?—Yes.

1617. Mr. J. B. Firth.] Leaving that question for the present, your Bill proposes that where funds have been applied to ecclesiastical purposes for a long period they shall continue to be so applied irrespective of the original object?—I should like to read what I do say. At page 8 "they shall place in one of such schedules so much of such property endowed (hereinafter called 'Ecclesiastical Charity Property') as shall be proved to their satisfaction to have been originally given to or for any spiritual purpose, and also such as have been for a long period of years applied to such purposes."

1618. With regard to that last sentence as to those which have been for a long period of years applied to such purposes, would it be within the intention of the Bill to say irrespective of the original foundation?—To the extent that the Royal Commission says so. I think we followed the words of the Royal Commission there, "But also such as have been for a long period of years applied to such uses, though not specifically enjoined by the will of the founder." Those are the words of the Royal Commission.

1619. In fact, that is your opinion?—Yes.

1620. With regard to most of these endowments, which are of an ecclesiastical class, they date back, I believe, to a period more than 200 years ago?—A great proportion certainly date back before the Reformation.

1621. They date back to a period when the only admissible religion in the country was the Established Church?—Yes.

1622. Therefore any funds left for the benefit of religion at that time were practically left for the benefit of the whole of the people?—I am not so clear about that; that depends upon the terms upon which they were left. If they were left for the maintenance of the Church, or of Church services, that would be for the maintenance of the Church of England Church.

1623. Supposing it were left for the maintenance of the Church at a time when only one Church was admissible, that would be left for the benefit of the whole of the people?—No.

1624. You think not?—No; for the Established Church of the country.

1625. Now that other churches are tolerated, I understand you to say that the appropriation of the funds should be confined to the only one which was tolerated at that time; is that so?—My answer to that would be this: If it so fell out that Parliament chose to establish the Presbyterian religion as the religion of the country, then I should say all the funds would go to the Presbyterian religion, because I consider it is an advantage to the State that there should be a State Church, and all these funds having belonged to the State Church, they must so belong still, though the form of religion was no longer that in use in the Church of England; that is my opinion.

1626. Some of the City funds derived from the sale of sites of City churches have, if I have been correctly informed, been applied to ecclesiastical uses at Bethnal Green and elsewhere?—I should think probably for building other churches.

1627. Are you aware that the "Church Review" say that that appropriation has been unsatisfactory?—If you mean to tell me that the work has been unsatisfactorily done, I am not at all prepared to dispute it; but that it might have been satisfactorily done I am quite sure. If you mean that churches have been built in a style of architecture, and of a size, and in places not as good as ought to be, then I agree with the "Church Review."

1628. Are you aware that the "Church Review" states that that appropriation has been unsatisfactory, and that in many cases the new churches are worse attended than the old churches they replaced?—That is the fault of the clergy.

1629. That is in the East of London?—That is the fault of the clergy.

1630. A question or two with respect to one of the parishes I think; you are trustee of three parishes?—I am trustee of a great many parishes.

1631. The population of St. Margaret, Lothbury, is 361?—Yes.

1632. You have an income, I think, of 1,317 *l.*?—No, we have not 1,300 *l.*, or anything like it; not half. That return of Sir H. Peeks is full of mistakes.

1633. St. Olave

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1633. St. Olave, Jewry, has a population of 300?—Yes.

1634. An an income of 744 *l.* 18 *s.* 1 *d.*, according to this?—I do not know that.

1635. As to the method of appropriation of one of these funds in St. Olave's, Jewry, I see there is an income from George Vaughan's gift; that was money left for the purpose of buying bread for the poor; it appears from these reports that it brings in an income of 90 *l.* a year; I cannot quite make out from the Report of the Charity Commissioners what you do with it?—I cannot answer that; I do not think I am trustee of that charity. I can hardly tell you what I am. Somebody from St. Olave's, Jewry, no doubt will attend and give you the information. I have no management there at all.

1636. Are you a trustee of Bennett and Campbell's Gift which was left for the poor?—I think not. I think I am, not so to say a trustee, but the feoffee of one of the houses.

1637. There are very considerable incomes available for the poor; I only wished to know how you dealt with them?—I do not know anything of St Olave's, Jewry.

1638. You have not any poor, as far as you know, have you?—I know very little of St. Olave's, Jewry. What I do know is as to ecclesiastical matters.

1639. With reference to the question put by an honourable Member as to your objection to the terms of the Preamble of Mr. Bryce's Bill, the Public Bill as to misappropriation; I should like to ask you a question as to St. Mildred's, Bread-street; would you say that there are correct appropriations; a presentation of plate costing 60 *l.* to two churchwardens after six years' service?—I have been churchwarden of St. Margaret's, Lothbury, for 12 years, and the parishioners never gave me any plate.

1640. This was before you were churchwarden?—I am not churchwarden of St. Mildred's, Bread-street.

1641. Mr. *Horace Davey*.] Would you think it a misappropriation to give a piece of plate to a churchwarden?—It would depend on the fund out of which it was paid for. I should not take it, I hope.

1642. Mr. *J. B. Firth*.] I have given you the case of St. Mildred, Bread-street?—I do not know anything of St. Mildred, Bread-street.

1643. What would you say to the customary breakfasts and dinners on Ascension-day, audit-day, and refreshments, 107 *l.* 4 *s.* 2 *d.*?—In St. Mildred, Bread-street?

1644. Yes, what would you say to an entry in one year of 241 *l.* for breakfasts and dinners, and 513 *l.* 3 *s.* 10 *d.* in aid of poor-rates; are those appropriations which you agree with?—I should not do it myself; but you must not ask me to express an opinion upon any matter as to which I do not know the facts.

1645. Supposing those and similar statements are true, and are based upon fact as to appropriations of charitable funds, do you agree with them?—If people took money intended for one purpose and applied it to another, I should say it was very wrong indeed.

1646. Would you say they were proper appropriations if they were public parish funds?—It depends on what they were given for; I should not do it myself; I cannot say further than that. If I had a trust deed out of which among other things I was entitled to have a breakfast, I should consider myself entitled to have a breakfast out of it, but I should not like to do it, and I do not think I should do it.

1647. *Chairman*.] In answer to a question of the honourable Member on my left, you said that if there were any surplus after meeting all the claims of the City you would not object to that surplus being devoted to educational purposes?—Yes.

1648. I wish to know whether by the word "if" you meant to express some doubt as to there being any surplus of any magnitude arising from these charities if they were dealt with upon the principle of the City Bill?—Oh, no; there would be a very large surplus, in my judgment.

1649. Have you formed an opinion as to the difference in this respect between

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the City Bill and Mr. Bryce's Bill, as to what difference of surplus there would be?—I have not formed an estimate of that.

1650. Would there be a large difference?—I should think the difference would principally arise out of the maintenance of existing schemes. If the Churchwardens' Bill were adopted we have a clause in it, that existing schemes are not to be altered without the consent of the governing body.

1651. That would make a difference of 40,000 *l.* a year?—I should think not so much as that.

1652. It would make a very considerable difference?—I think it would make some difference. As I said before, I think most of the governing bodies would be pleased to get extended powers if they were really wanted; therefore the difference would not be so very great.

1653. Apart from that, would not there still be a considerable difference?—I do not think so. I would like to guard myself in this way. I drew attention to the difference between the Churchwardens' Bill and Professor Bryce's Bill as to ecclesiastical matters. I think, if the ecclesiastical schemes are taken into account, that would make a difference.

1654. I am not now dealing with the ecclesiastical charities, but with the secular charities. You think there would be substantially little difference between the results of the one Bill and the other, as regards the ultimate destination of the funds to purposes beyond the City proper?—I do not think in those there would be a very large difference.

1655. You agree that in principle a very large portion of the funds in these charities ought to be devoted to purposes beyond the City, and to the general purposes of the metropolis?—Yes, I agree to it because the Royal Commission said so. It was not my original view, but I am willing to accede to it.

1656. You have come round to that?—No, I am willing to accept it.

1657. That being the case, is not the difference between your Bill and that of Professor Bryce mainly one of management of the charities, viz.: that the City Bill leaves the property under the management of the present trustees, whereas Professor Bryce's Bill takes the management of the property out of the present trustees, with the exception of the five parishes which he puts in Schedule 1?—You are still speaking of secular matters.

1658. Only of secular matters. According to your view is not that the main difference between the two Bills?—It is one of the main differences, undoubtedly.

1659. What other main difference is there?—The main difference is the not doing away with the schemes without the consent of the governing body. That is another difference. Those are the two particular differences.

1660. I am looking now to the general result, inasmuch as you say that both Bills would end in about the same quantity of money being voted to purposes beyond the City; is not the other main difference the question of management of the property?—Those are the two differences, certainly.

1661. I rather gather from your previous evidence that "you took a different view to that taken by the framers of Professor Bryce's Bill with reference to the destination of these funds, and that you thought people living in the City had a much greater claim to the parochial charities in other parts of the City than people living outside the City?—I gave that evidence before the Royal Commission because I was in hopes that they would have included in the word "Parishioners," the people who worked in the City, and then, I think, there would have been very little to go beyond the City.

1662. You accepted the Report of the Royal Commission?—I did.

1663. Your opinion now is that a very large portion would go outside the City?—A large portion.

1664. Do not you think that the arrangement made in the Churchwardens' Bill for the constitution of the governing body would rather tend to limit that application?—No, I am sure it would not.

1665. Is not the large representation of the City likely to result in a very considerable portion of that property being retained for purely City purposes?—I do not think so at all.

1666. Why

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1666. Why is it proposed to make so large a representation?—Because it is our property that is being dealt with.

1667. Let me suppose the case of a parish where the secular charities have practically no application at all; there seem to be many such parishes?—Yes.

1668. What special claim have the other parts of the City in the application of that charity, rather than the people living in other parts of the metropolis?—I said I thought it was just, and you said you thought it was a question of sentiment when you asked me that question before.

1669. I am now talking, not merely of the application, but also of the management. Let us suppose a parochial charity of 1,000 *l.* a-year, a secular charity, where the objects of the charity wholly failed; I want to know why the other people living in the City elsewhere have any claim to the management of the charity, or its application, rather than people living in the Metropolis generally?—I can give a great many reasons for it; one reason is that I think we are all assuming too much that the City of London is going to remain for ever what the City of London is now.

1670. I presume by that, you mean you think it probable that there would be a reformed City government?—Oh, dear, no; I mean something quite different; I mean this, that probably you and I will live to see the people coming back to live in the City again.

1671. But not the poor people?—Yes, the poor people.

1672. How so?—Because I think we shall find there will be a great shifting in the trade of London, and that people who have gone away from the City will come back again to live in it; that is what I expect to see.

1673. You think it probable that there will be, in time to come, a large poor population again in the City?—Yes.

1674. And you think on that account it is not desirable that the charities should be appropriated to places beyond the bounds of the City?—We were not quite saying that. I was giving a reason why the trustees of the City Charities should retain a considerable voice in the management of the governing body.

1675. Mr. *Walter James*.] I should like to know very much when you think that change will happen; will it be in 100 years time, or 1,000, or 5,000 years time?—If the Chairman will permit me to repeat what I said, I said I thought he and I would live to see it.

1676. *Chairman*.] All the tendency at present is in the opposite direction?—I am not sure about that.

1677. Mr. *Bryce*.] What grounds have you for that?—First the number of houses that are unlet in the City, as you or anybody may see who will walk from Temple Bar to the Tower; that is one thing; and another thing is, that I anticipate a great alteration in the course of trade in the Port of London; a very great alteration; driving the trade to the East. I should never be at any time astonished to see the trade from the neighbourhood of Mincing-lane and all that part, shift and go away.

1678. Mr. *Horace Davey*.] Where to?—Go lower down, eastward.

1679. *Chairman*.] You think on that account charities in a small City parish which have altogether outgrown the parish itself, or the population of that parish, should still be left in the management of the trustee?—I was not quite saying that I was giving a reason why the trustees of the City charities should obtain a considerable voice in the management, I gave that as one among other reasons; I think we should be making an arrangement now, which is to last for all time.

1680. Mr. *Gorst*.] I believe you wish to make some statement to the Committee?—Yes; since I was here last, my clerk and I looked among our papers to see whether we could get any information upon certain points which I think Professor Bryce asked me about. This is a list of some of the people who attended the meeting of the 20th of May, when the sub-committee was appointed, and I wish to hand that in. (*The same was handed in.*) Here is a list of some of the people who attended the meeting of the 16th June, when the scheme was approved. (*The same was handed in.*) Here are the lists signed by the people themselves, but they are not in either case all the people who attended. On the question of the sub-committee, I wish to say that the sub-committee fairly represented the City parishes.

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[Continued.]

1681. Mr. *Horace Davey*.] I am a little startled at the opinion you gave as to vesting of the property in the official trustee, and referring to the powers of management; I want to ask whether you have referred to the Charitable Trusts Act, 1853, which created the official trustee. Section 47 creates the the Secretary for the time being of the Charity Commissioners an official trustee. He is called treasurer in this Act. Section 48 enables land to be vested in him. Section 49 enables orders to be made by the Court of Chancery vesting land in the official trustee; and Section 53 is in these terms, "Subject to the orders and directions of the Court of Chancery, or of any such judge; such treasurer shall be deemed a bare trustee, and shall permit the persons acting in the administration of the charity to have the possession, management, and control of the trust estates, and the application of the income thereof as if the same were vested in them." Had your attention been called to those sections when you expressed your opinion that the vesting of the estates in the official trustee would be calculated to interfere with the management?—Whether that be in the Act of Parliament or not, practically it does.

1682. Had your attention been called to those sections?—I cannot say that my attention was called to the exact words of the section, but I know how it practically works.

1683. Referring you to the exact words of the section, does that alter your opinion?—Not the slightest in practice.

1683*. The Charitable Trusts Act, 1855, 18 & 19 Vict. c. 124, s. 29, provides, "It shall not be lawful for the trustees or persons acting in the administration of any charity to make or grant, otherwise than with the express authority of Parliament, under any Act already passed, or which may hereafter be passed, or of a court or judge of competent jurisdiction, or according to a scheme legally established, or with the approval of the Board, any sale, mortgage, or charge of the charity estate, or any lease thereof in reversion after more than three years of any existing term, or for any term of life, or in consideration wholly or in part of any fine, or for any term of years exceeding 21 years." That leaves the persons acting in the administration of the charity to do anything with a charity estate, not exceeding a lease of 21 years. Let me refer you to Section 12 of the Charitable Trusts Act, 1869, 32 & 33 Vict. c. 110, "Where the trustees or persons acting in the administration of any charity have power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity," a majority of those trustees or persons who are present at a meeting of their body duly constituted and voting on the question shall have, and be deemed to have always had full power to execute and do all such assurances, acts, and things, as may be requisite for carrying any such sale, exchange, partition, mortgage, lease, or disposition into effect, and all such assurances, acts, and things shall have the same effect as if they were respectively executed and done by all such trustees or persons for the time being, and by the official trustee of charity lands." Does not that last-mentioned section enable the majority of the administration, trustees, or of the managers of the charity to do everything without reference to the official trustee?—No.

1684. Have you attentively followed that?—Yes; I say, practically, whatever is written there, it does not do so.

1685. Has your attention been drawn to those sections when you express that opinion?—I express it now.

1686. You still remain of the same opinion?—Certainly.

1687. Let me ask you whether it is not the fact, in your experience, that the official trustee is never referred to, except when a sale or some legal proceedings for the protection of the charity land become necessary?—No. I do not know that.

1688. Do you know anything to the contrary?—All I know is this, that if there be an official trustee, you have to apply to him for everything as to the real and important management of the property. That is what it comes to.

1689. Do you seriously say that?—I say that it takes away the whole liberty of action from the trustees, and I, myself, do not intend to be a trustee with the official trustee over me.

1690. Notwithstanding

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[Continued.]

1690. Notwithstanding the section?—Notwithstanding all that you have read.

1691. Do you state that from your own knowledge and experience?—I state that from what I am going to do in the future.

1692. I am sure you will answer my question. I hope I have not put it in a discourteous manner?—Certainly not: I understand, being a trustee, and I understand, having the responsibility of a trustee in the ordinary duties of life, but I am not going to be a trustee with an official trustee over me; and I think you will find most of the trustees of the City of London, holding independent positions like myself, will say the same.

1693. Notwithstanding the full powers which are given to a majority of the administration trustees by the 12th Section of the Act of 1869, which I have read to you?—Practically it comes to this, that everything has to be done with the consent of the Charity Commissioners.

1694. With the leave of the Chairman I repeat my question. I am quite sure you will give me credit for not putting it in a discourteous manner. Do you state what you say as to the effect of appointing the official trustee from your own knowledge and experience or not?—Not from my own experience, for I have never been a trustee in that condition.

1695. Mr. Bryce] You said a few minutes ago “our property is being dealt with.” When you said “our” property, did you mean to say that these funds were the property of the trustees, or in what sense did you use the word “our”?—I was speaking as a citizen.

1696. As a citizen of the City?—Yes.

1697. With regard to property which is being claimed as being the property of the parishes, as to which Mr. Davey questioned you, do you conceive that the property is the property of the parishes in such a sense that the parishioners at any given moment could divide the money among themselves?—I do not think so.

1698. Do you think they would be obliged to continue to hold it for the parish, although you say it is not a charity?—Yes.

1699. With regard to the letter which you handed in from yourself to Mr. Kekewich, I want merely to understand whether that letter and the statements you made to Mr. Kekewich in conversation constituted the whole of the case on which his opinion was founded, or whether there was any other document laid before him?—The letter contains a list of the documents he had.

1700. And those documents you intend to be taken as part of the case?—Yes.

1701. Can you give me the date of the scheme with regard to Barnes' Charity, which you referred to?—I think it must have been 1871.

1702. I see this list which you have handed in is headed “List of Churchwardens,” &c.; have you any means of indicating how many of those persons were churchwardens, and how many were not?—I do not know whether I could; I might be able to do so.

1703. I will not ask you to do it at this moment; you can supply it at some other time?—I fancy they must be all what I should call laymen, not vestry clerks; if that is what you mean. I think otherwise they would state themselves to be vestry clerks.

1704. With regard to the words that have been so much canvassed, “and a great part of such income is now unapplied, or wasted, or misapplied;” I merely want to arrive at your opinion by putting it in this way; suppose I were to show you that, say 30,000 *l.* out of the 117,000 *l.*, which the charity property now amounts to, either was being accumulated or was going to improper purposes, or was so applied that it would not do any real good, would you consider that that justified the words in the Preamble of the Public Bill which you object to, “a great part of such income is now unapplied, or wasted, or misapplied.” I will repeat the question in order that you may have no difficulty about my meaning; suppose I showed you that 30,000 *l.* out of 117,000 *l.* which now constitutes the income of the City parochial charities, went in one of three ways: first, was accumulated; or, secondly, went to improper purposes; or, thirdly, was so applied as to do no good to the poor; would you consider if those facts

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[Continued.]

were proved they justified that sentence in the Preamble; by the word "improper;" I mean such as the Charity Commissioners would disapprove of; such as the payment of poor-rates; in fact, I will say such as the Royal Commissioners condemn?—No. I think if the Charity Commissioners had disapproved of them they ought to have taken action upon it.

1705. That does not answer my question?—Then I will answer No to your question; I will tell you why. No good to the poor is your third head; I do not know what the meaning of that is. As to accumulating, people may be accumulating it for the purpose of obtaining schemes. As to the word improper, if improper means poor-rates—

Mr. Bryce here interrupted the Witness before he had finished,

1706. I mean such as the Royal Commissioners disapprove of?—The trustees have had no opportunity, since the Royal Commission, to do anything.

1707. You do not, I think, see the point of my question; I want to get an idea of what you mean by disapproving of those words: "A great part of such income is now unapplied, or wasted, or misapplied." I ask you, suppose it were proved in evidence to this Committee that 30,000 *l.* went in those three ways, either was being accumulated for want of present means of applying it, or went to purposes which the Royal Commissioners disapproved of; or, thirdly, was so spent as to do no good to the poor; would you conceive that those words were justified?—No.

1708. Why not?—You ask me for my opinion, and I have given you an answer.

1709. Why would the words be still improper?—In the first place, as to its being no good to the poor, you would first have to show me that the charities were intended for the poor. As to the word improper, my answer is, that the Royal Commissioners themselves admit that they did not have sufficient opportunity of investigating the sources of income.

1710. You think then, if it were shown that 30,000 *l.* were spent in that way, still those words would not be proper words?—

1711. *Chairman.*] You deny the premises?—I do.

1712. You do not admit that the payment of rates necessarily would be improper?—I should not do it myself, but still I do not consider that it is of necessity improper.

1713. Mr. Bryce.] One question more about the City. You spoke of the application to purposes in the City. Do you consider that, practically, it ought to make any difference as to whether a person receives a share in a parochial charity fund, that he works just inside the City, or just outside. Let me take the case of Child's Bank, half of which is just inside the City, and half outside. I understood you to say that bank clerks were proper persons for the application of the charity monies; would you consider that it ought to make the least difference as to whether a man should be the recipient of charity funds or not, whether he happened to be working inside the limit or outside the limit?—I must again question your premises; I do not think I did say that. What I think I said was that there were some of the charities for sending boys to school, and for apprenticing and scholarships.

1714. You are referring now to what I said about bank clerks?—Yes.

1715. I will not take that case, I will take the case of a costermonger who has got his stall in St. Mary Axe, inside the City, and another costermonger who sets up his stall in Whitechapel, outside the City; do you think one a better recipient of charity funds than the other?—I advocated that before the Royal Commission; when the Royal Commission decided to leave out that definition I accepted it, and there is no such definition in this Bill; but if you ask me whether I should like to have seen it, I say yes.

1716. I ask you if you apply it to that case which I put, the case of the man who has a stall in Whitechapel, and another who has a stall in St. Mary Axe?—We have not asked for it in our Bill.

1717. I thought your counsel suggested it?—I do not think so. I venture to think he must have confined himself to the Bill that we have brought in. I understood that somebody else had petitioned.

1718. Once for all, do I understand that it is a suggestion coming from you and the other Promoters of the Bill that there should be a distinction between those

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[Continued.]

those who work inside the City and those who work outside?—I do not think we have said anything about it.

1719. I ask you now whether you suggest it or not?—I have never suggested it.

1720. *Chairman.*] I rather understood that you abandoned that?—I did, in deference to the Royal Commission.

1721. Whatever your original opinions may have been you have practically abandoned that point in deference to the Royal Commission?—Certainly.

1722. Reserving of course your own view?—Yes.

1723. *Mr. Bryce.*] It was mentioned by Mr. Pearce, and I think by counsel?—I think you will find that somebody has petitioned against our Bill; I think St. Dunstan's-in-the-East, or St. Anne's, Blackfriars, who went with us up to a certain time, on the ground that we had not included, among the objects of our Bill, persons working in the parish. I should have been very willing to have done so, but we tried as far as we could to follow the lines of the Royal Commission.

1724. Then we may take it that it is not a proposal which now comes from you?—It is not in our Bill.

1725. *Chairman.*] You reserve your own original opinion?—Yes; it is not in our Bill. I am not asking for it; I should like to, but I do not.

1726. *Mr. Bryce.*] I suppose you have carefully considered the legal effect of your Bill; can you tell me what there is which your Bill enables to be done which cannot be done under the existing law, excepting the fact that the initiative may be taken by the Commissioners without application by the trustees?—In the first place, we certainly could not apply our ecclesiastical money outside the City. Another thing is, I do not see how we could define what was surplus and what was not surplus, and apply it to all these different objects which are mentioned in the Bill.

1727. *Chairman.*] You could not appoint a body of Commissioners for the purposes of spending surplus funds?—No, certainly not, nor create a governing body. I will tell you what happened. Before we embarked in the Bill at all among ourselves we considered whether there was any means of carrying our wishes out without an Act of Parliament, and we came to the determination that there was none.

1728. *Mr. Bryce.*] I do not say there is anything; I merely ask you whether you can specify the points in which you think your Bill enables things to be done which the existing law would not permit?—I fancy everything. In the first place, we have no means of taking evidence; and then of making schemes, and then of creating a new governing body, and then of saying what is surplus and what is not.

1729. You know what powers the Charity Commissioners have?—I know perfectly well. I do not think the Charity Commissioners have any power to do such a thing as this. With the surplus that I hope to have of between 300 *l.* and 400 *l.* from my ecclesiastical charities, I should have liked to affiliate our parish to a poor parish outside; the Charity Commissioners could not sanction this. Now it will go to some general purposes; that also could not be done without this Bill.

1730. You know what an extension has been given to the doctrine of *cy près* by the Campden Charities case?—That which I wish has never been able to be done; we have often talked over that.

1731. *Mr. Walter James.*] With regard to the appointment of the nominated Commissioners which Mr. Talbot asked you a question about, I want to know whether, since the Committee last met, you have been able to think of some method under which those Commissioners should be nominated. How would you propose to nominate them. I think in your evidence you said you would have a meeting at the Cannon-street Hotel?—He asked me how they would be nominated, and the Chairman asked who would speak for us and represent us. If it ever comes to our being asked who we wish to nominate as our Commissioners, our counsel will speak for us and name who we wish. I mean the counsel representing us here.

1732. If you were asked to insert particular names, the counsel for the Bill would give us the names?—Yes.

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1733. How

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[*Continued.*]

1733. How are we to know that the names would meet with the approval of the trustees?—The counsel would give you names we should approve of.

1734. How do you know they would approve of them?—Because I know they would.

1735. What knowledge have you of that, and how do you arrive at that knowledge?—When the time arrives I shall be pleased to give you all the information and the names, which will be perfectly satisfactory.

1736. Mr. *Cubitt.*] You mentioned the proposed constitution of the Board by the Royal Commission. Are you aware that the words are “In some such proportion as the following:” that it is not a definite recommendation?—Yes, I read from it just now.

1737. The question is only whether the words “In some such proportions as the following” occur. It is not a definite recommendation?—No; and we have followed it as well as we could.

1738. I have only one other question as to the words which have been so much discussed, “wasted or misapplied.” Do you think those words are much stronger than the general tenor of the Report of the Royal Commission?—I think that that Report of the Royal Commission was perfectly fair when they came to those points, because they named the instances in which they thought the property had been wasted and misapplied, and if the Bill in Parliament named the instance, I should not have anything to say to it.

1739. I think there is a Bill now promoted by the Bishop of London, giving further power to deal with the charities and ecclesiastical funds, is there not?—Yes.

1740. That, I suppose, would release a very large amount of ecclesiastical property?—I hope it will never pass into law.

1741. Are you generally in favour of that Bill?—No, I am opposed to it in every way wherever I find it.

1742. Mr. *William Lawrence.*] You have been asked with regard to the London School Board, and as to their sending circulars to the different charities. Do you think the London School Board, who are elected by the ratepayers, a proper body to have estates and funds placed in their hands, either for the diminishing of the rates, or for the establishing of secondary schools?—No.

1743. You have also stated that you think the time may come when there may be a larger resident population in the City of London?—Yes.

1744. Are you aware that if the house-tax were abolished to-morrow, there would be a larger resident population in the City of London?—

Chairman.] I do not think we can go into that question.

Mr. *William Lawrence.*] The Witness has stated that he believes there will be a much larger resident population in the City of London in consequence of a change of circumstances, and has alluded to some. I ask this question, if the house-tax were abolished to-morrow, would not that cause a considerable amount of residential property, particularly the upper portion of premises in the City to be occupied?—Certainly.

1745. And would not that be the means of accommodating a large number of the working classes, and persons who are now engaged in the City of London, but who are driven out at night by reason of the fact, that, if they resided in the upper portions of premises, it would involve the house-tax being charged over the whole of the premises?—Yes, the inhabited house-duty.

1746. Are you not aware that the effect of the house-tax has been to drive out from the City of London a large quantity of the poorer classes of the community?—Yes, I know it has.

Re-examined by Mr. *Claude Baggallay.*

1747. I believe there are a few answers which you have given which you wish to explain?—I think I have explained them, unless there is anything you can remind me of.

1748. Without

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[Continued.]

1748. Without actually pledging yourself to giving the number of people who were present at the meeting which was referred to the other day, did the representatives attend at the meeting of the 20th May, when the sub-committee were appointed?—Yes, a considerable number of them; and I have given in a Paper showing that.

1749. Over and above those named in the Paper there were a considerable number of other representatives?—Yes.

1750. The number who attended, I believe, reached altogether about 100?—The number present at that meeting was about 100.

1751. You have handed in, I believe, a list of the sub-committee who were appointed?—Yes, the Committee have that.

1752. Do you consider that the sub-committee fairly represent the different parishes in the City of London?—Yes, certainly.

1753. On the 16th June, at the meeting of that day, when the scheme was approved, did many of the representatives attend?—Yes, a considerable number.

1754. You have a list of them, I believe?—I have handed that in also; but that was not all. There were others besides those. Those were all the names we could get.

1755. I believe you wish to make some remark with regard to the moneys which were given or destined rather for the benefit of the parishes than the poor?—I think I have said very nearly all I have to say about that. It is only that in one of the parishes I found distinct evidence of the people having rated themselves and having built two houses for the purpose of paying the expenses of the poor, which otherwise would have to have been paid by rates.

1756. Do you wish to make any further explanation with regard to why existing schemes are reserved in the Bill promoted by yourself and the other churchwardens?—Only I think that where the schemes are good schemes they should be maintained, and I think where the schemes are not good schemes, the very fact that the governing body have promoted those schemes, is very good ground for believing that they would be the people who would move for an amended scheme.

1757. I believe you consider that maintaining the then existing scheme was one of the things which naturally followed from the Report of the Royal Commission?—As we understood it.

1758. I do not know whether you wish to offer any further remarks after the evidence you have given to-day with regard to why, in the first instance, you conferred with the churchwardens. If you have any further remarks, would you offer them now?—I think I have said, in answer to Mr. Baring, all I have to say upon that head.

1759. In one of your answers you say that the Churchwardens' Bill originally proposed three Commissioners. Will you explain why subsequently you proposed five?—We considered that the amounts that had to be dealt with were very large, and the questions were very important, and we thought that a commission of five would command the confidence both of the people, whose funds were to be dealt with and the public generally, and we thought it would in the end tend to diminish largely the expenses, because it would be the means of preventing the expense of appeals.

1760. Would you turn to your Answers 1109 and following, given the other day. I believe you are apprehensive that some misapprehension may arise upon those answers. Is it not a fact that you would rather apply the word "unsatisfactory" to the application of some of these surplus funds, than the words "wasted or misapplied"?—I should; but I think I have said almost all I have to say upon that head to-day.

[The Witness withdrew.]

The *Chairman* inquired what course the Promoters of the Bill proposed to take with regard to calling further witnesses.

Mr. *Claude Baggallay* said that they proposed to call evidence with regard to the following points: First, the representative character of the

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Promoters of the Private Bill; and secondly, as far as they could to get rid of the words in the Preamble, "wasted or misapplied." And, thirdly, by calling various trustees of the charities to show that the word "unsatisfactory" was the strongest word which could be used with regard to the application of the funds, many of the trustees feeling very strongly on that point.

Chairman intimated with regard to the first head of evidence that the Committee were prepared to take Mr. Freshfield's evidence as to the representative character of the Promoters of the Private Bill, and that their case would not be strengthened by calling further evidence to the same effect.

After discussion between counsel and the Members of the Committee as to the meaning of the words in the Preamble of the Public Bill, "un-" "applied, wasted, or misapplied," any intention of making an imputation on the existing trustees being disclaimed.

The room was cleared, and the Committee deliberated on the question of whether any modification of the words in question could be arrived at to meet the objection raised by the Promoters of the Private Bill.

After some time counsel and parties were re-admitted.

Mr. *Bryce* stated that, though the word "misapplied" was not intended by those who brought in the Public Bill, to convey any imputation upon the trustees of the City charities, still they were willing to make a concession to the feeling which appeared to exist, and avoid even the appearance of any imputation by substituting, in lieu of the word "mis-" "applied," the words "or otherwise applied in an unsatisfactory manner."

Mr. *O'Hara* urged the Committee also to strike out the word "waste" from the Preamble of the Public Bill, on the ground that it was capable of being misinterpreted.

Chairman intimated that the Committee had considered the matter carefully, and had come to the conclusion that it was not open to the same objection as the word "misapplied," and it was therefore for Mr. *O'Hara* to consider whether it was worth while calling witnesses to disprove the waste of the trust funds in the face of the Report of the Royal Commission.

Mr. *O'Hara* stated that after that intimation he would not persist in calling witnesses on that point, provided that when the Preamble came to be considered he was not to be precluded from protesting against the use of the word "waste."

Chairman stated it was still open to Mr. *O'Hara* to object to the words as they stood.

A further discussion then ensued with regard to calling witnesses to show the representative character of the Promoters of the Private Bill; but ultimately Mr. *O'Hara* intimated that so long as the relative positions of the Promoters of the two Bills were clearly before the Committee, he would not press that evidence upon the Committee, but would content himself with calling two witnesses on the general Preamble of the Private Bill.

Mr. *Rickards*, on behalf of the parish of St. Botolph-without-Aldersgate, applied to be heard against the Preamble of both Bills before the Committee decided which Bill they would proceed with.

Chairman intimated that the Committee acceded to the application, and would hear the case on behalf of St. Botolph-without-Aldersgate at the conclusion of the evidence for the Promoters of the Private Bill.

Mr. *Stock*, on behalf of the parish of St. Anne's, Blackfriars, asked that whichever Bill passed, he might be heard with reference to the insertion of clauses, although he had petitioned only against the Private Bill.

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Chairman intimated that if they decided to proceed with the Public Bill, there would be some technical difficulty in the way, but the Committee would hear the application later on, it not being a question of Preamble.

Mr. *Ernest Law*, on behalf of the Corporation of London, also asked to be heard against the Preamble of the Public Bill before the Committee decided which Preamble they would pass.

Chairman intimated they would hear the case for the Corporation immediately after the case for St. Botolph's, and that the other parishes who appeared would be heard at the same time.

Tuesday, 25th April 1882.

MEMBERS PRESENT :

Mr. Bryce.
Mr. Corry.
Mr. J. B. Firth.
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.
Mr. Horace Davey.

Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Earl Percy.
Sir Matthew White Ridley.
Mr. Macfarlane.
Mr. Cubitt.

THE RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

Mr. *O'Hara* complained of the meagreness of the report in the copy supplied to the Committee of discussions which had taken place on the previous occasion, especially with reference to the following passage, which appeared only on the shorthand writer's notes, of the discussion as supplied to the parties.

Chairman.] After what has passed it is for you to say whether you call any witnesses further on that point of the representative character. Can you alter or really strengthen in any material degree the evidence which has already been given on that point?

Mr. *O'Hara.*] If the Committee will attach, as I have no doubt they will, the importance that I do attach to Mr. Freshfield's evidence in this matter, namely, that the clergy were not excluded, though they do not come——

Chairman.] They might have come.

Mr. *O'Hara.*] They might have come, but they were not sent.

The *Chairman* said the practice was to print the Evidence only, and not statements made by counsel; but counsel would be at liberty in their speeches to refer to any report they might have of observations which did not appear on the report of the Evidence as supplied to the Committee.

Mr. *Henry Druit Phillips*, sworn.

Examined by Mr. *Claude Baggallay*.

1761. I BELIEVE you carry on business in St. Nicholas-lane, in the City?—I do, as a Solicitor, of the firm of Phillips and Son.

1762. Are you vestry clerk of any of the parishes in the City?—I am vestry clerk of four parishes.

1763. Which are they?—St. Mary Woolnoth, St. Edmund the King and Martyr, St. Nicholas Acons, and St. Mary, Woolchurch Haw. They comprise the district between the Mansion House and the Bank of England on the one side, and all Lombard-street and King William-street.

1764. First, as regards the parish of St. Nicholas Acons, I believe you have been vestry clerk there for seven years or more?—Yes.

1765. Is the income of that parish a large income?—No, it is a small income.

1766. What is the income for ecclesiastical purposes?—None whatever.

1767. For general purposes?—£.5. 7 s. 5 d. for general charitable purposes.

1768. What

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[Continued.]

1768. What do you mean by "general purposes"?—Gifts to the poor in bread and coals; charitable purposes.

1769. Is there any scheme regulating the charities of that parish?—No.

1770. Have any been applied for?—Not in that parish.

1771. I am taking the four parishes with which you are connected *seriatim*. By whom is the income administered?—By the rector and churchwardens.

1772. Is any expense incurred in the administration?—Not a farthing. It is done voluntarily, free of all expense, by the rector and churchwardens, assisted by me, whenever I am wanted.

1773. Do you take no reward?—I take no fee or reward for it.

1774. Is there any surplus income?—No.

1775. Do you consider that the income is well applied?—Yes.

1776. Now with regard to the parish of St. Mary Woolchurch Haw; how long have you been vestry clerk there?—I and my father before me, I should think, for over 30 years. I have been vestry clerk myself for 25 years or more.

1777. What is the gross income of the parish?—£. 480.

1778. How has that generally been applied?—That is under a particular bequest, which is for the general benefit of the parish. I have the deed here which gives the express words of it, if it is desired that I should state them. I was wrong in saying it was a bequest. I see it was granted by King James by letters patent to two of the parishioners of the parish, and they executed a deed of feoffment, showing that it was property which had been bought by the parishioners, and was confided to the trustees upon trust "to the intent that the messuages and premises, and the income of them, should from time to time be disposed of and employed by and according to the directions and good liking of the parties therein named as the bargainers, and of the churchwardens, and most able and efficient men of the said parish, in trust and confidence nevertheless for the benefit and behoof of the said parish of St. Mary, Woolchurch Haw, and the public uses of the said parish."

1779. There is no other direction as to the application in the deed?—No, not from that time down to the present.

1780. By whom is the income now administered?—By the feoffees.

1781. Has the rector, or have the churchwardens, anything to do with it?—The churchwardens have not; it is the rector and five other trustees, making six altogether.

1782. Is there any scheme regulating the property?—No.

1783. You have never applied for any, I believe?—I never applied for any.

1784. Have you made any applications to the Charity Commissioners from time to time with regard to the appointment of new trustees?—Yes; whenever new trustees have been appointed, which has been in my time two or three times, we have had to apply to the Charity Commissioners, and they have always required to see the draft deeds, and to approve them before they were executed.

1785. Is the property, in your opinion, administered to the greatest advantage?—Yes.

1786. Economically?—Certainly. Nothing but actual expense is defrayed out of the income.

1787. No salary in connection with the administration of it to any officers?—None whatever; nothing but bare charges for actual work done.

1788. I believe there is no surplus?—There is no surplus.

1789. Mr. *Lewis Fry*.] You have not told us what the property is?—It consists of a house in George-street, Mansion House.

1790. One house?—One house.

1791. Mr. *Claude Baggallay*.] Is that let on lease?—It is let on lease to Messrs. Rothschild.

1792. A long lease?—I cannot say, off-hand; a 21 years' lease, I think.

1793. Mr. *Bryce*.] What does it produce?—Four hundred and eighty pounds a year. It was let on lease about five years ago. Previously to that it had only produced about 120 l.

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1794. Mr. *Claude Baggallay*.] You have been a long time a vestry clerk of the parish of St. Mary, Woolnoth, I believe?—About the same period as St. Mary, Woolchurch Haw.

1795. About 30 years, you and your father?—Yes.

1796. What is the gross income of that parish?—About 210 *l*.

1797. That is the gross income of the whole parish?—Of the whole parish.

1798. By whom are the charities administered?—Various charities are administered by different trustees. As to some, a small portion, the rector and churchwardens administer them, and as to others they are held under trust deeds.

1799. I believe there are two sums of 974 *l*. 8 *s*. 9 *d*. Consols, and 336 *l*. 4 *s*. 11 *d*. Reduced 3 per Cents. administered under the provisions of a trust deed?—Yes.

1800. There is no scheme regulating the property, is there?—No.

1801. Has not there been some order of the Court of Chancery of 1849 with regard to these funds?—As to some of the bequests there was an order of the Court of Chancery dated the 10th of February 1849, which was supplemented by deeds of trust under that order, dated the 14th June 1849.

1802. Have you made any application to the Charity Commissioners for a scheme with regard to these funds?—Yes.

1803. More than one, I believe?—With reference to these funds we have made two applications to the Charity Commissioners for schemes; one as to the sums which you have just mentioned, of stock, and the other as to a house which is held under Richard Smith's will in Huggin-lane. The application was made to the Charity Commissioners in the year 1878.

1804. Was any action taken by the Commissioners?—No; I have applied from time to time for their decision upon the question, and ultimately the result was, in March 1879, a letter from them stating that as the parochial charities are now the subject of investigation, they are disposed to think that any further action on their part would properly be suspended.

1805. I believe all appointments of trustees are confirmed by the Commissioners?—They are.

1806. I believe there was some small fund in this parish which was originally directed to be applied for potatoes; that has not been so applied for very many years?—No, it was disapproved of, and under my advice it was abandoned altogether.

1807. With regard to Esther Anselm's gift of 300 *l*. South Sea Annuities, now converted into 321 *l*. 3 *s*. Consols; to what by the terms of the bequest is that gift applied?—I have the original register of the parish commencing in the year 1538. I thought it would be more convenient to bring that up than a copy of the will, as it is more legible. The passage in the will which deals with the bequest is: "Item, I give to the churchwardens and overseers of the poor of the parish of St. Mary, Woolnoth, for the time being, 300 *l*. New South Sea Annuities in trust, to lay out the same in such manner as the major part of the householders within the said parish of St. Mary, Woolnoth, assembled, upon usual notice, in the vestry shall appoint, and to apply the yearly rents, interest, dividends, and other income and profits thereof for ever, so as to lessen the poor's rate, my sole intention being to ease the householders within the said parish of St. Mary, Woolnoth."

1808. Have the charities in the parish been economically administered?—I am happy to say that the charities in this parish are administered in the same way as the other parishes; no salaries are paid, no allowances are made except for actual business done, and expense incurred.

1809. Supposing no deductions were made for actual expenses, what do you estimate would be the outside surplus accruing from the funds in this parish; in other words, about what is the amount of the actual expenses per annum?—I do not quite understand the question; how much is deducted for expenses.

1810. What is about the amount of actual expenses in the parish?—Some years it is nothing; other years when a new appointment of trustees takes place, of course the expense of the deed has to be paid; so it is difficult to say.

1811. Excepting

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1811. Excepting such expenses, there are none?—There are none.

1812. Have you considered at all to what purpose you would wish that any surplus from any of these parishes should be applied?—I think I should say that I am a parishioner in one of the parishes myself, and therefore I can speak from that point of view; but I am also a representative on the committee from each of these parishes which is promoting this Bill; therefore I can speak with their views as well as my own, and I am satisfied, from the communications I have had from the different parishioners, that they would be glad to see the ecclesiastical duties of the parish fulfilled, as far as was necessary, out of any income applicable to it, or surplus income. They would also be glad to see a system of middle-class education promoted on the ground that the Board School education is not fitted at all for the middle classes, and the middle classes are deprived, by the action of the Board School, of their usual sources of education. It was the destruction of all preparatory schools and schools for minor education.

1813. With regard to the parish of St. Edmund the King and Martyr, how long have you been connected with that parish?—About seven or eight years.

1814. There are several different charities, I believe, in that parish. First, with regard to John Long's Trust; what is that fund for?—I have not got the document with me; but, speaking from knowledge, the fund is to be devoted to the services of the church, to the maintenance of the fabric, and pensioners who are poor inhabitants residing in the parish, or poor parishioners residing out of the parish.

1815. There are several other charities, I believe, for the purpose of making gifts of money and other gifts to the poor?—Yes.

1816. Is there any gift for the general benefit of the parish?—There is one gift called Watson's Gift, which is given for the general benefit of the parish.

1817. Do you find that there is any surplus arising from any of the gifts?—There is a surplus arising from John Long's, which we generally contrive, if we can, to dispose of, with the sanction of the Charity Commissioners.

1818. I believe there was a decree of the Court of Chancery, dated in 1833, with regard to the charity, was there not?—Yes.

1819. What is the income of that charity?—£. 4,300 a year.

1820. It has recently increased considerably, has not it?—It was 2,700 *l.* a year about four years ago, and since then has been increased to 4,300 *l.* by a more beneficial letting of the houses belonging to the charity.

1821. It is many years before you expect another increase, is it not?—It cannot take place for the next 40 years. There is a lease running which does not expire for about 40 years.

1822. What is the surplus, as an average, per annum from this charity?—The surplus varies very much according to the number of pensioners who may exhaust more of the fund than usual, but I should say about 500 *l.* or 600 *l.* a year.

1823. By whom is the charity administered?—By the rector, churchwardens, and six other of the most discreet of the parishioners chosen in vestry. Those are the terms of the bequest.

1824. In applying your surplus from time to time, have you obtained the sanction of anybody?—Whenever the surplus amounts to a sufficient sum, say a thousand pounds or so, we apply immediately to the Charity Commissioners for permission to distribute it amongst hospitals, colleges, and educational institutions. The last distribution was, I think, last year. The surplus then was rather larger. We gave 1,000 *l.* then to the London Hospital, 500 *l.* to the Charing Cross Hospital.

1825. Mr. *Macfarlane*.] Then you have applied it outside the City?—We have applied it outside the City.

1826. Mr. *Claude Baggallay*.] With the sanction of the Charity Commissioners?—With the sanction of the Charity Commissioners.

1827. Have you applied to the Charity Commissioners for a scheme with regard to this fund?—Yes.

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1828. When

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1828. When was that?—On the 2nd of November 1880.

1829. What has been the result of the application?—The result was that we had a letter from the Commissioners, of the 2nd July 1881, deferring taking it into consideration.

1830. Watson's Gift, I believe, actually stands in the name of the official trustee?—Yes. That arose in this way: a beneficial offer was made by the Agra Bank to purchase the premises, and the trustees then applied to the Charity Commissioners for their sanction to the sale, who said they would give it upon condition that the proceeds of the sale were invested in the name of the official trustee. We objected to that for a long while, as the trustees considered that that was somewhat of a reproach to them, because it imputed rather that they were not able to take care of the funds which they had taken care of so long. In the end we were obliged to give way. Otherwise we should have lost the sale.

1831. I believe the income is remitted to the trustees to be spent?—Yes.

1832. Who administers that?—The churchwardens under the terms of the bequest.

1833. How is it applied?—For the general purposes of the parish.

1834. There is no surplus, I believe, from that fund?—There is no surplus from that fund, as the moment the churchwardens receive it as trustees it is placed into the hands of the parish bankers, and is there dealt with in the same way as the regular parish funds. I may say it is applied in payment of salaries and other things which are thrown upon the parish officers by law, but for which there is no other fund.

1835. In your opinion is there a distinct difference between endowments for general purposes and endowments for charitable purposes with regard to parish endowments?—Undoubtedly; I think there is a great distinction.

1836. In your opinion, is it desirable that the distinction should be maintained?—Most certainly. As long as the parochial system is allowed to remain it is quite clear that they must have funds out of which to meet the obligations which the law imposes upon them, and therefore it is necessary that they should not have these funds taken from them.

1837. In your opinion is there any parish property of the nature of private or partnership property belonging to the parish?—I look upon Watson's Gift as the private property of the parish. It is given to the parish generally, not to any special class in the parish, and there is no limitation whatever in the terms of the bequest as to the way in which it is to be applied, except for the general purposes of the parish.

1838. Supposing the parish were to be deprived of the income of such funds, would the fulfilment of the duties of the parish officers be interfered with?—Not only interfered with, but I do not believe you would get parish officers; you would not get them to take obligations upon themselves, unless they had the means of meeting them; and if they had not the means of meeting them you would not get officials to undertake the duties without being paid for them.

1839. Has the abolition of church-rates in any way affected your opinion with regard to that matter?—It has rather confirmed it than otherwise; strongly confirmed it. The obligations remain on the parish officials exactly the same as ever, but the means of meeting them are actually taken away.

1840. Do you consider that the parochial system is one which should be strongly supported?—I have considered that subject for very many years, and the more I see of the parochial system the more satisfied I am that it is one of the best that can be devised.

1841. You would regret very much to see anything done which would interfere with its maintenance?—It is not only my own opinion, but it is the opinion of all with whom I am concerned in these parishes. People know each other, and if they do not know each other they get to know each other; it smoothes down inequalities and want of harmony. They work together for a common object; they are known to each other, and to the heads of the parish; they can distinguish the good from the evil, and they can persuade the evil to be better; in addition to that I think there is one very great advantage in the parochial system. The unanimity is so great in these smaller parishes; I will not say it is
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in the larger ones, that I think it is a guarantee for order and respect for the law.

1842. Do you consider that the City parishes have changed much since the time when the gifts were made as to meriting the benefit of these funds?—I think the parishes are still as much entitled to the benefit of them as ever they were, because the parishes remain the same, so far as there are the means of disposing of the funds.

1843. I believe that some action has been taken by the four parishes which you represent, or rather with which you are connected, with regard to this question, of dealing with the parochial charity funds. Will you kindly state what has occurred?—I am not only connected with them, but I represent them, and at every stage of this matter from the commencing of it, by Mr. Freshfield in April 1880, down to the present time, the parishioners have been consulted by special notices summoning them to a vestry to consider it, and on the 16th of June 1881, each of my four vestries nominated the members to serve upon the committee for considering the Bill, which was then under consideration; I should say in all those vestries the rector was in the chair, and was a party to all that was done, and not only a party, but a consenting party.

1844. Did you hear the evidence given by Mr. Freshfield?—I had not that advantage; nor have I had the advantage of reading all his evidence.

1845. I will ask you a general question. I think I may state that Mr. Freshfield said that he anticipated before very long the return of a poorer population to many parishes in the City, from various causes; do you agree in that opinion?—I think Mr. Freshfield can only have dealt with one branch of that; for, as I have said many years ago, and I am still of the same opinion, from the number of large buildings that are erected in the City, of which the third and fourth floors are never occupied, I think in course of time we shall find those will be used as flats for residential purposes.

1846. Mr. *Macfarlane*.] By the poor?—No, not altogether by the poor. Mr. Freshfield, I believe you said, spoke of the poor; I am going further than Mr. Freshfield.

1847. Mr. *Claude Baggallay*.] You know the case of the Attorney General *v. Webster*, I believe?—I am generally acquainted with it.

1848. Should you have done as Mr. Freshfield said he would have done; should you have appealed that case?—I think that case, as far as I can understand, has been a great deal misunderstood. I think, as far as I appreciate it, it went simply to the point that a parish *qua* parish could not be a corporation to hold lands unless connected with a charitable purpose; and certainly if any bequest had been given for the benefit of a parish to trustees, and the same *dictum* had been held upon that state of facts, I should have appealed it, most undoubtedly. Nine-tenths of the charities in London are to trustees of a particular parish.

1849. In your opinion is it expedient that the *corpus* of the funds should be left in the existing trustees, and not transferred to the official trustees?—So much so, that I think the existing trustees, if the funds are taken away, will in some cases refuse to have anything more to do with the trust; they will feel it to be a great imputation upon them, for which there is no justification, either in the Report of the Royal Commission, or anywhere else. If there had been any justification for it, it might have been asserted and vindicated by the existing law.

1850. You are, I believe, familiar with the Report of the Royal Commission?—In a general way; I have not studied it word for word, but I know sufficient of it to say this (if that is the point to which your question is directed), that I believe the Private Bill put forward now is strictly in harmony with the lines laid down by the Royal Commission.

1851. In your general review of the Report of the Royal Commission, did you find anything which led you to think that the Royal Commission Report recommended the taking of the funds out of the trustees, and transferring them to official trustees?—On the contrary, if I read the Royal Commission Report aright, it distinctly says that they ought not to interfere with the existing
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arrangements either as to the vesting of the funds or as to the administration ; they would in effect only deal with any surplus.

1852. I have asked you certain questions with regard to the expense of the administration of the funds in the four parishes with which you are connected ; I want to ask you whether the funds could be more economically or otherwise administered, if the *corpus* of the funds were vested in the official trustees ?—I do not see how it is possible that the fact of your importing another person who is to be a trustee, above the other trustees, could render the administration or dealing with these funds more economical.

1853. Is there any routine work entailing expense occasioned by vesting trust funds in the official trustees ?—Naturally there is ; it speaks for itself.

1854. Will the expense, in your opinion, so entailed, be more than equal to the expense of from time to time appointing new trustees by application to the Charity Commissioners ?—If you take the whole routine from beginning to end, I am satisfied that the vesting of the funds in an official trustee would add to the expense very considerably as compared with the present system of the trustees themselves dealing with the properties and the administration of them. You cannot move hand or foot in dealing with any part of the charity property beyond a lease for 21 years without going to the Charity Commissioners. Of course the official trustee is the mere echo, if I may say so, of the Charity Commissioners ; he is ignored altogether, no one knows who he is ; he is like the editor of "The Times." You go to the Charity Commissioners in every step you have to take ; you have to write two or three letters, and you have to wait two or three months, and then a requisition is made for this, and a requisition is made for that, until the time and expense run up is almost bewildering. In addition to all which it would not save the expense of from time to time appointing new trustees, for though only trustees for the purpose of administration, they would still be appointed by deed declaring their trusts, and there would not, therefore, be any saving in that respect.

1855. In cases where the *corpus* is vested in the rector and churchwardens, do you consider that the advantages to be gained by vesting the funds in official trustees are to be found ?—Quite so ; it all depends, of course, upon who the rector and churchwardens are. In City parishes they are always men of the highest eminence ; in my own parishes the rector, of course, is in the front ; the churchwardens and others are bankers or merchants, men of the first position ; and so are the trustees.

1856. In those cases I presume there is no expense entailed in the appointment of new trustees from time to time ?—Not in the case of investments in the funds.

1857. I am talking of cases where it is vested in the vicar or rector and churchwardens ?—I do not know of any case where the rector and churchwardens hold the land. In my parishes all landed property, or house property, is held by trustees under deeds of trust, and therefore as they die off, which happens about once in seven, eight, or ten years, they are reduced to a certain number, fresh trustees are appointed, and necessarily the expense of a new trust deed is incurred. The trustees are always very jealous of any expense ; much more than I like. I am obliged to prepare an appointment of new trustees in a manner which is quite unique, I think. It is merely short endorsement on the back of each deed, under the hand and seal of the trustees under which the new trustees declare they hold the property on the trusts within declared.

1858. Where the *corpus* of the fund is vested in the local trustees, in your opinion is the probability of a development of the same greater than where they are vested in the official trustees ?—That is one of the strongest arguments in favour of retaining the property in the hands of the present trustees. They feel they have a duty and obligation cast upon them to do the best they can, and to show their energy by producing an improved state of things. If that inducement is taken from them, and it is put into the hands of the official trustee, they will not have the same opportunities of being reminded of it, and the thing will slip through, and until some person who wishes to buy, or to exchange, or to do something with the property, makes a good offer, and goes himself to the Charity Commissioners, I do not think there will be any improvement.

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1859. Have you considered the question of the number of Commissioners which it is desirable to have appointed under the Bill?—It has been proposed by the Public Bill, I think, that there should be three, but by the Private Bill it is proposed that there should be five. I am bound to say that I think five is far more preferable than three; it will give more confidence to the public that the thing is being properly managed; and, not only that, but the quorum will be so different. Under the Public Bill the whole Act might be carried into effect by the action of one Commissioner; under the Private Bill three must be the quorum.

1860. Mr. *Bryce*.] I am sure you would not like to say anything incorrect; you had better look at the Bill before you say that?—My note is that it is under Clause 4: "The like rights, authorities, and powers shall be exercised by the Commissioners hereby constituted, or by any one of them acting under their authority."

1861. You will find another clause in the Bill about it?—Clause 34, I think, is the other one: "A scheme of the Commissioners shall not be submitted to the Committee of Council on Education, unless two at least of the Commissioners have signified in writing their approval of such scheme, but in all other respects one Commissioner may act under this Act." I do not think that makes me out incorrect. Clause 4 expressly says, without any limitation whatever, that "the like rights, powers, and authorities shall be exercised by the Commissioners hereby constituted, or by any one of them acting under their authority." All that Clause 34 says is, that "a scheme of the Commissioners shall not be submitted for approval until two at least of the Commissioners have signified their approval;" but it does not follow that both those Commissioners who are bound to express their approval have gone into the facts of the case.

1862. Mr. *Claude Baggallay*.] You said just now that five Commissioners would inspire greater confidence?—It would have another advantage, if I may be allowed to interrupt you, and that would be that it would materially, I think, tend to discourage any appeals, from the confidence that three Commissioners having well considered the subject and heard evidence, and gone into the matter, would be more likely to be right than one Commissioner acting alone, and as the parties might consider, possibly with a bias against them.

1863. Will you compare the expense of five Commissioners with the saving by the stay of appeals?—That is almost an unknown quantity.

1864. Do you consider there would be a material reduction of the expense of the whole working out of the Act?—I think there would, undoubtedly, for the reason I have given; but as to saying to what extent I am afraid I could not undertake to go so far as that; it would be very large, no doubt. I certainly should not advise appeals so frequently or so strongly where I found three Commissioners had decided the thing as I should be disposed to do where one had done so.

1865. Will you turn to Clause 5 of the Private Bill; you will see the words about the middle. "And also such as have been for a long period of years applied to such purposes." Are you decidedly, or otherwise, in favour or against the retention of those words?—I hardly like to put forward my own opinion in such a matter as that, because that, if I recollect right, is one of the very points on which the Royal Commission have so strongly expressed an opinion. I am quite of their opinion upon it, but they having done so I should have thought that would have been very strong.

1866. As a representative of the trustees, do you consider that the trustees are strongly in favour of the retention of those words?—I am sure of it, because I have had an opportunity of discussing the terms of this Bill with the various trustees, and I think it would be very unjust also to parishes where the origin of the endowment might, perhaps, be either lost in obscurity, or become obscure, and has been applied, perhaps, for over a hundred years or more in a particular way, and has become accepted generally, and has been passed by the Charity Commissioners; I think it would be very unjust all at once to stop the application of income in that direction.

1867. Will you turn to Clause 16 of the Private Bill; have you any observations to make with regard to the proposal there to save existing schemes?—No, except this, that contrasting that with the analogous clause in the Public Bill,

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Bill, I very much prefer the one in the Private Bill, because the Public Bill proposes it only in respect of the endowment itself, it does not touch the question of income.

1868. Turning to Clause 7, are you of opinion that the vested interests contemplated to be saved by that clause should properly be saved?—I think it would be very unfair, and very unjust, to take them away, or to say that a person who has been, say in my own position, for 25 years or so, advising trustees, should be told that those properties are to be taken away from me, and I am not to be considered as having any interest in the matter whatever.

1869. Will you turn to page 16, at the end of Clause 10. I believe you had something to do with the framing of the words in *italics* at the bottom of the page. The word “charitable” ought to be “charity”; that is a misprint, I believe. Will you give your reasons for advocating the insertion of those words?—One of my principal reasons is that a property which has been given to parishes for purposes such as I have mentioned in the case of St. Mary, Woolchurch Haw, and St. Mary, Woolnoth, are not, strictly speaking, charity trusts or charity property. It would be a contradiction of terms to say that they were charitable properties, and, as such, to be brought within the operation of this Act, and to be applied in a manner directly contrary to that which is so clearly expressed by the donors, and, therefore, to avoid any question as to what properties would come within the scope of the Bill, I pressed that the definition of them should be made applicable only to eleemosynary purposes.

1870. *Chairman.*] So as expressly to exclude those which are of the nature you speak of?—Expressly to exclude them.

1871. Notwithstanding what may be the law on the subject?—I do not know that there is any law which says that they are charity properties.

1872. Supposing it to be held at law that it is impossible to constitute such a trust without its being of a charitable nature, would the operation of your clause be to override the law, and notwithstanding that is the state of the law to prevent them being dealt with under this Bill?—Assuming the law to be so, the effect of these words would be, or at all events that is my object and intention, to exclude those particular properties, which are clearly given for other purposes than eleemosynary purposes or real charity purposes.

1873. *Mr. Claude Baggallay.*] Will you turn to Clause 14. Is it your opinion that the consent of the existing governing bodies should be preliminary to any union of existing governing bodies?—I think, in dealing with properties which they hold all should be consulted. I will not say that in my opinion it would not be advisable in the case of very small charities, of which there are a very large number in the City of London, to consolidate all of them in the new governing body without the consent of the existing bodies; but as regards those charities which are of any importance, I think the existing governing bodies ought to be consulted, and their consent obtained, before being united to other governing bodies, whose objects may be totally different.

1874. Will you now turn to pages 48 and 49 of the book you have in your hand, and state shortly your views with regard to the constitution of the new governing body?—My view, after a great deal of discussion, and elucidating the opinions of very many of those for whom I am acting, is, that the new governing body should certainly, to a large extent, be taken from the existing body of trustees. They know all the charities, and have been connected with them for many years, and not only know the charities or the endowments, but they know the recipients and the mode of management. As regards the proposition in the Public Bill, there are three electing bodies that I could not in any shape or way assent to. For instance, it states that two persons are to be nominated by the London School Board, two persons to be nominated by the Metropolitan Asylums Board, and one person by the Fellows of Sion College, in the City of London. Now I do not think, with the proposals made in this Bill for the administration of any surplus funds, that either of those three bodies have the smallest interest, or therefore the smallest right, in any shape or way, to have a voice in the matter. You might just as well put in the Geological Institute, or the Royal Academy, or any of those other bodies; they are just as alien to it.

1875. I believe you have compared the two Bills before the Committee with the Report of the Royal Commission. Will you state generally which Bill, in
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[Continued.]

your opinion, follows most closely the spirit of the recommendations of the Royal Commission?—It is not only my own opinion, but I should think it is the opinion of every one who can read the English language that the Public Bill in little or nothing follows the suggestions of the Royal Commission, while the Private Bill does. The Public Bill is altogether contrary to the suggestions of the Royal Commission, for it takes away from the existing governing bodies every charity property that they at present enjoy or have the control of. That is contrary to the terms of the Report of the Royal Commission.

1876. I do not know whether you have had any evidence to volunteer; I have no more questions to ask you!—If the Chairman would allow me, I would like to make one remark, and that is, to express a strong objection in the most emphatic terms I can use to the words in the Preamble, “and a great part of such income is now unapplied or wasted.” I believe “or misapplied” has been taken out since, or it is suggested that it may be taken out. It has been said, and I give the hon. Member who made the statement every credit for sincerity, that it does not convey the smallest imputation upon the trustees; but, notwithstanding all that, I say most deliberately and advisedly that no stronger, and no one can read those words without seeing that they do convey an imputation on the trustees that the income which they have distributed is now unapplied; that the income which they have distributed is wasted; that the income which they have distributed is misapplied. It is obvious that that must be so, because the funds or the property cannot waste itself or misapply itself. It must be wasted or misapplied by somebody or other, and the only persons responsible for its wasting or its misapplication must be the trustees. There is not any evidence, I submit, in any shape or way beyond perhaps one or two exceptional cases in which the existing law might rectify it, to show that there has been any wasting or misapplication. Therefore, on the part of the great body of trustees whom I represent, including clergymen, bankers, and merchants, I have to protest in their name against those words being in any shape or way inserted in the Preamble of this Bill. I hope I shall be excused if I have exceeded what I ought to have said.

1877. Mr. *Bryce*.] Are you yourself a trustee of any charities?—No.

1878. Are you yourself a churchwarden?—No.

1879. What is the population of the parish of St. Nicholas Acons, according to the last census?—I cannot tell you.

1880. Can you give me any estimate?—I am afraid I should only be misleading you if I attempted to give one. I do not think the census returns give any reliable account.

1881. Why not?—Because they are usually taken on a Sunday night, when those residing in the City leave to pay visits, only returning on Monday morning.

1882. The census returns give the number of night residents in the City, do they not?—The number of night residents at that particular moment.

1883. What is the average attendance in the church of St. Nicholas Acons?—There is no church of St. Nicholas Acons.

1884. It is united with another parish?—It is united with St. Edmund the King and Martyr.

1885. What is the average attendance at St. Edmund the King and Martyr?—I cannot give it you, but I can tell you this, that the church is nearly every Sunday filled.

Mr. *J. B. Firth*.] The total attendance is estimated at 40, as the general congregation.

1886. Mr. *Bryce*.] That is the two parishes?—I can only repeat my statement.

1887. Mr. *Lewis Fry*.] What is your estimate of the number?—I should say 200 nearly every Sunday. I do not say that there are not exceptional instances. The church is open every day in the week, and a very large number of persons during the year avail themselves of the opportunity for purposes of private devotion. The same is the case with the church of St. Mary Woolnoth, which was the first in the City to adopt that system. It is open all day long, and there is daily service morning and evening, in addition to the other usual services.

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1888. Mr. *Bryce*.] I find that in 1871 the population of St. Nicholas Acons was 184?—I could not contest it, because really I have never gone into it.

1889. The population in the same year of St. Edmund the King and Martyr was 153. Of course these populations, like other populations, have diminished since; we have not the last census return yet?—I should not think they would have diminished much.

Mr. *J. B. Firth*.] The population of St. Edmund the King and Martyr in 1881 is 222.

1890. Mr. *Bryce*.] In these parishes are all the persons who receive poor relief resident in the parish?—No.

1891. Do you know where they live generally?—Yes.

1892. Is it in other parts of the City or outside the City?—In other parts of the City and outside the City all their claims originate in having been formerly parishioners.

1893. What do you mean by formerly?—According to the terms of one of the bequests of John Long it is to be given to poor parishioners resident in the parish, or poor parishioners resident out of the parish.

1894. What do you mean by a parishioner resident out of the parish?—I am not responsible for that word; I am giving you the exact word of the donor.

1895. What interpretation do you put on the words "A parishioner resident out of the parish"?—In investigating the cases, and I should tell you that every case is sent to me to investigate, I always ascertain that they or some member of their family, their father say, has resided in the parish and paid rates; he must have been a ratepayer at some time or other. When that is once established I authorise the trustees to accept the case as a good one.

1896. For all the future?—For all the future.

1897. Are you able to say whether these persons may be receiving the benefit of charitable gifts in other parishes in the City?—I always make it a point to take their own statement, and cross-examine them upon it, and take their signature to it, and enter it into a register, so that it is always available for reference. One of the questions I invariably ask them is, are they in receipt of parish relief? Are they in receipt of gifts from other parishes? If they are, then I tell them that their case is outside the object of the charities.

1898. That is to say, if they admit that they are?—If they admit it.

1899. I take it, it might happen that they were receiving them without your knowing it?—It might so happen; but if you were to see the class of people and could see the fear and trembling they have when they are told to sign their deposition, as it were, you would hardly give them credit for committing what was almost equal to a perjury.

1900. Mr. *Gorst*.] They would be indictable for obtaining money under false pretences?—Yes. I always say to them, if you are in receipt of parish relief, or assistance from other parishes, you are not within the terms of our charity.

1901. Mr. *J. B. Firth*.] How could they be indictable?—I think they would; it is a false representation.

1902. Mr. *Bryce*.] Would that be such a false representation as would make them indictable?—I think so, because they are told that is one of the conditions on which they are accepted.

1903. *Chairman*.] Supposing, after receiving charitable funds from you, they go and receive charitable funds elsewhere, surely you could not indict them for that?—No, that might be so, because we only investigate the matter when they first come on the books.

1904. I understand the hon. Member to ask what security you take that they do not afterwards ever receive charities elsewhere?—Obviously we cannot take any security of that. It is impossible; not even the new governing body under this Bill would be able to do such a thing.

1905. Mr. *Bryce*.] I should have thought it was quite impossible to have any security; then you do not feel any insuperable objection to extending the benefit of charitable funds to persons who are outside the parish, even outside the City?
—I think

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—I think it is clear that those in the City should be preferred, and if there is any surplus over then you should make it as generally beneficial as you possibly can.

1906. Would you go so far as to say that a person working immediately inside the City is to be preferred to a person working immediately outside the City?—Yes, undoubtedly; he earns his daily bread there, and he is contributing to the wealth and the trade of the City in his humble way.

1907. Do you not think that a man who, for instance, has an office in the City, but has his wharf outside the City, contributes also to the wealth of the City?—Yes.

1908. Would not a person working at such a wharf outside the City be a proper object for the application of City funds?—There are two classes of people contributing to the trade and business of the City, one in the City and the other outside the City. I should prefer, first, those who were actually in the City with whom I was in daily communication, who were more immediately present to me.

1909. That is to say whose bodies were present in the City?—Yes; and who were more immediately present to me. I should know more about them. I should be able to see who they were and what they were.

1910. I understand that once you have got a person on your roll you do not subject him to this cross-examination and require him to sign this statement another time; you accept it once for all?—Yes; but of course there are people, our parish officials, who know these people, and if they saw anything wrong, or if they observed that they were in better circumstances and ought not to be receiving relief or pensions, or alms, or whatever it is, they would naturally report it.

1911. They would know the better circumstances by the better dress, I suppose?—Not only that, but they know the parties themselves.

1912. Suppose the parties live at a distance?—They still visit them.

1913. Do you mean that they would pay them domiciliary visits?—Our rector and churchwardens used to visit them regularly. The rector latterly has got into years, and has very bad health, and he has not been able to go; but they are certainly visited once in 12 months.

1914. Every one of the persons who receive charity?—Every one of the persons as far as I can tell. I never have gone myself, but that is the rule.

1915. You cannot say of your own knowledge that that takes place, can you?—Not farther than this, that I have heard them giving their reports to the officials of the parish. I have not been myself.

1916. How many bodies of trustees do you suppose there are altogether in these four parishes of yours; you told us that there were several?—About seven, I should think. One for Woolchurch and three in Woolnoth. I should mention that they are separate trustees under separate deeds, with separate responsibilities, but the trustees personally are the same in each parish, so that if you were asking simply as to the *personnel* of the trustees, there would be only four sets of trustees; but there are seven trusts.

1917. Then as regards the rector and churchwardens?—I treat them as one.

1918. As one body of trustees?—As one body of trustees.

1919. But is not there in any parish the case of the rector and churchwardens holding same trust funds, and other trustees holding other trust funds?—That is the case in one of my parishes, in St. Mary Woolnoth.

1920. That would make two bodies of trustees for that parish, would it not?—Yes.

1921. Do you count the rector and churchwardens as trustees?—Yes.

1922. I understood you to say that you generally contrive to dispose of the surplus of the general funds of the charity; do you mean that you find a difficulty in disposing of the surplus?—No, not if we are allowed to dispose of it according to the doctrine of *cy près*, with the sanction of the Charity Commissioners.

1923. What do you take that doctrine of *cy près* to include for the purposes of your distribution?—The hospitals and provident institutions.

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1924. Those

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1924. Those are outside the City, are they not?—Some are, and some are not. We cannot give it all to one.

1925. Charing Cross Hospital is outside the City?—Yes.

1926. And London Hospital?—We always call that a City hospital; it is, strictly speaking, outside.

1927. It is a mile from the City, is it not?—It is outside the City, no doubt, but it is always looked upon in the City as a City hospital, and is strongly supported in the City.

1928. I know that is so, and I am glad that it is so; because it is situated in a very poor district; you conceive it to be a perfectly proper object for the application of your City funds?—Of the surplus after providing for the City.

1929. What do you mean by “providing for the City,” do you mean providing for those gifts which you now make?—After providing, as I explained earlier, for our own trust requirements, then for other similar requirements in the City, and then other requirements of a similar nature outside the City.

1930. Can you call the giving of this money to persons who are no longer resident in the parish but only connected with it, because perhaps their father was at one time a ratepayer, providing for your own needs?—Yes.

1931. You conceive that a person because his father or uncle was once a ratepayer in the parish has a prior claim?—I never said his uncle, I said his father. I always go to their immediate ancestors.

1932. Would you take in the grandfather?—And the grandfather.

1933. Would you consider then that a person, because his grandfather had been a ratepayer, had a better claim upon parish funds?—Undoubtedly, and strictly legally too, for those persons who have acquired a settlement in any way are always looked upon as parishioners.

1934. When you say that you ought to provide first for your own needs, you include the case of providing for a person whose grandfather was a parishioner?—That is putting an extreme case. I do not know that we have a case so ancient as that or which goes so far back as that. It is mostly a case of their fathers.

1935. You spoke about the fulfilment of the duties of parish officers, and you said if there were not these parish funds to meet them those duties could not be fulfilled; what do you include in the duties of the parish officers?—One of the most important of their duties is the maintenance of the fabric and the services of the church.

1936. What else?—Then there are various duties to be performed in the City for which they have to appoint officials; they cannot undertake them themselves, and those officials have to be paid salaries.

1937. Such as, for instance?—It is difficult at a moment's notice to call to mind one; but say a vestry clerk, that is as good an illustration as I can give. I mean salaries and expenses of that nature.

1938. Those you think are proper objects for the application of these parish funds?—All the parish funds which I have referred to were, in my opinion, properly applicable to them; not all charitable funds.

1939. Those are what you conceive to be the funds which are the property of the parish?—Out of those funds I consider them properly and strictly applicable.

1940. In what sense do you take them to be the property of the parish; do you think that the parish could at any moment divide them up?—No.

1941. How do you think the parish is to hold them?—It is for the general purposes of the parish for ever.

1942. Is it a trust?—It is a trust.

1943. What kind of trust?—It speaks for itself.

1944. Can you bring it under any recognised kind of trust which is known to the law?—A trust for the performance of certain duties is recognised by the law, as far as I am aware.

1945. I understood you to say it is not a charity?—It is not a charity; but it is for the performance of certain duties and to effect certain objects. I am not aware that the law says that a man shall not give his money to such purposes as those.

1946. Do

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1946. Do you find any case in which those purposes are allowed which do not come within the legal definition of charities ; can you give me any other kind of instance which illustrates, as it were, your contention as to the peculiar character of these trusts ?—You cannot have a better illustration than that which I have given ; there is money given for the general purposes.

1947. I do not want to perplex you ; I only want you to illustrate the peculiar kind of trust which you maintain, and which I should have doubted the existence of. I want you, if you can, to illustrate it to me by showing me any other kind of similar trust which is perpetual, but which is not a charity ?—Off-hand, I am afraid I cannot answer the question.

1948. Have you looked at those cases which were referred to in Mr. Freshfield's examination ; you were asked about one case ?—Webster's case ?

1949. Yes. Have you looked at it ?—Yes.

1950. Have you considered the reasoning there ?—Yes, I considered the reasoning of it ; and it strikes me the case has been misunderstood, or the effect of it has been misunderstood. I do not understand the Master of the Rolls to decide that a property given for a parish for a certain specific object is illegal, unless it is accompanied by a charitable trust. I do not understand the Master of the Rolls' decision to decide that.

1951. If he did decide that, you would hardly dispute his authority ?—No one has greater and more unfeigned respect for the Master of the Rolls, and for his judgment, than I have, but at the same time, if I had any interest in the matter, and he decided that such was the law, I should have taken the earliest and speediest mode of testing the question.

1952. You spoke about the great value of a parochial system ; do you know that there is an Act in existence for the union of benefices in the City ?—Yes.

1953. Do you know that the Bishop of London and the Archbishop of Canterbury have brought in a Bill this year for facilitating and expediting that union ?—I have seen it noticed, but I have not read the details of the measure.

1954. Do you object to the union of the City benefices ?—I object to it as it is put forward now, from what I have noticed in the public journals.

1955. When you speak of maintaining the parochial system, do you mean to insist upon the importance of maintaining those small ecclesiastical parishes and churches where there are perhaps very few in attendance ?—Yes.

1956. You think it is still valuable to keep them up ?—I do, I think it is most essential.

1957. How far would you carry that. Suppose a church had a general congregation of perhaps only 20 every Sunday, would you still think it worth keeping up ?—Yes. I think if the parishioners feel such an interest and attachment to the church it would be very harsh, and a very unjust thing to thwart them.

1958. The parishioners do not intimate their interest in the church by attending it if there are only 20 parishioners coming to the church besides those who come officially. Do you think that is a very strong intimation of their interest in the parish church ?—People show their interest in matters in very different ways ; some from motives of self interest ; others from motives of public duty, others from a real desire to see things generally go on smoothly and well.

1959. Suppose we take the case of a parish where a church is attended by, let us say, 10 or 20 as a general congregation, what valuable purposes do you think are served by keeping up that church, and by spending this considerable sum of money in paying the salaries and expenses connected with it ?—I think it has influences quite outside the sphere of the four walls of the building, very important influences. It keeps the clergyman always amongst them, although he may not always be resident in the parish.

1960. In what manner is he always amongst them if they are not there on Sunday, and he is not there on week-days ?—He is there on week-days. I think you will find very few parishes in the City of London where the clergy-

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man does not visit his parish regularly ; certainly two or three days a week, if not every day.

1961. They do not as a rule reside in their parishes?—They do not, as a rule, because the income is so small that they are obliged to go further off to get cheaper accommodation.

1962. I understand you to think that the maintenance of the parochial system ought not to be considered to depend upon the population of the parish?—Most certainly. I think although the parish may be small, it is equally important, and perhaps more important than in these large parishes. It is there that the quarrelling and the bickering, and the difficulties, the extravagance and the waste and misapplication is carried out, and not in the smaller parishes where every man knows what every other man does.

1963. No matter how small the parish may be?—No matter how small the parish may be.

1964. Unanimity may be easier if there are only a dozen people in the parish?—I do not know an instance of a parish with only that number.

1965. You said, I think, the unanimity was so great that it is a guarantee for order and respect for law ; do you think there is any danger of order and respect for law being neglected in City parishes to such an extent that it is necessary to keep up a church for that purpose?—No, I do not think that. I think we are more law-abiding than in most other districts ; but at the same time we are liable to irruptions, and when they do occur it is just as well to humanise them and to harmonise them.

1966. What kind of event do you mean to designate by those words, and in what way do you think the maintenance of the church and of the charities helps to prevent them?—We may get strange inhabitants amongst us ; the class of people may alter and vary, new people may come in, new ideas may be mooted.

1967. You think the best way of taming the new people and of extinguishing the new ideas is to keep up the church and the charities?—I do not say anything of the sort, if you will pardon me for saying so. I say, as a general principle, the parochial system is one which it is desirable on all accounts to maintain, because it makes matters work smoothly and avoids differences, and from the knowledge which one man has of another it secures law and order. If that same system could be scattered all over the country I do not think we should have much to complain of in the shape of disturbances.

1968. You made a remark which I did not quite understand, when you said that nine-tenths of the property belongs to trustees of a particular parish. Do you mean to say that any large proportion of the total, what are called in this Bill parochial charities' funds, belongs to the class which you claim as property of the parish for general purposes as opposed to charitable purposes. What do you mean by saying that nine-tenths of the parish property belongs to the trustees of particular parishes?—I did not mean that to refer to what I have been calling the parish private property, if that is what you mean.

1969. Can you give me any estimate of the proportion of the total charitable funds which is borne by what you call the property of the parish applicable to general parish purposes?—No, indeed I cannot.

1970. For instance, take that clause in your Private Bill which you dwelt upon ; take the provisions at the end of Clause 10, "The words 'charitable trusts' and 'charitable property' in this section shall be deemed to include only such trusts and property as either in whole or in part are now or have been expressly made applicable to eleemosynary purposes." Can you give me any idea of how much income that would cover?—No, I am afraid I cannot. Nothing reliable, at all events.

1971. Do you think it would be a large amount?—No, I should not think it would be so large an amount ; there are only a few parishes, as far as I am aware, where those sort of bequests occur.

1972. You claim that some of your property is of that nature?—In some of my parishes the thing does occur, and I know of one or two others, but not of more.

1973. Do you not find these words, "general parish purposes," pretty frequently in a good many parishes?—No.

1974. The

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1974. The Report will speak for itself?—Only in the instances I have mentioned am I aware of them at all; in all other cases they are given for specific purposes, such as to lessen the poor-rates, to ease the burdens of the parishioners, and another is for a feast of the parishioners attending in vestry on Ascension Day; they are given for specific purposes, and these I call parish private property; whether I am strictly accurate in my definition of them I will not say.

1975. Look for a moment at the last three lines in page 16, "The words 'charitable trust' and 'charitable property' in this section shall be deemed to include only such trusts and property as either in whole or in part are now or have been expressly made applicable to eleemosynary purposes;" you told us your intention in having those words put in was to exclude from the scope of the Private Bill property which you conceived belonged to the parish, and such property as that which you claim as belonging to you for general parish purposes?—Yes.

1976. In that case what was the use of your putting in the earlier part of Clause 10, which recites that in certain parishes certain property is claimed by the trustees "as being the property of the parishioners belonging to the parish in which the income of the same has been hitherto applied, free from any charitable trust affecting the same, and it is desirable to provide a means of determining whether such property is charitable property or not;" if you, by those last words, distinctly excluded all this property from the Bill, what was the use of the earlier part of the clause?—Pardon me, I do not read it in that way; I read it that the Commissioners are to inquire into all those endowments to ascertain the fact whether they are or are not for charitable purposes or for private purposes of the parish. If they are for private purposes then they are to be excluded from the operation of the Act; that is the way I read it.

1977. I understand you to mean that the Commissioners are to determine whether the property is for a charitable trust or not, but as soon as they find that it is not applied to an eleemosynary purpose, they are to consider it as not charity property?—That is a matter for the Commissioners to consider, if they find that charitable property, given for eleemosynary purposes had been applied to private purposes, or the public purposes of the parish, apart from charity, then it would be quite open to them to say, this is not within the scope of the exception contained in Clause 10.

1978. Wherever they find any property which was not originally given, or has not been expressly made applicable to eleemosynary purposes, they are to hold that that is not charity property?—They are to find the fact one way or the other.

1979. What is the object of those three last lines?—For the purpose of excluding them from the operation of the Act; that is to say, as to diverting funds to purposes which are to be provided for under this Act.

1980. It is to lay down a principle for the guidance of the Commissioners?—Yes.

1981. That principle is to be that the property is not to be held charitable unless it can be shown to be eleemosynary?—Yes.

1982. In fact, it is to make the words eleemosynary and charitable for the purposes of this Bill practically synonymous?—Yes.

1983. Would you consider that the application of money to a school is an eleemosynary purpose or not?—Yes.

1984. Even although it was not a gratuitous school?—It would be an assistance to the school, and although not absolutely gratuitous would no doubt diminish the fees, and in that sense would be eleemosynary.

1985. The repairs of the parish church would not be eleemosynary?—No, that is another branch altogether; that is ecclesiastical.

1986. Does not this apply to the whole property. There is no distinction of ecclesiastical and secular funds under this clause?—That is provided for previously; they ought to distinguish between property given or used for ecclesiastical purposes; to put it into one schedule, and general charity property into another schedule.

1987. If you say these words are intended to exclude this property from the
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Act altogether, will it not prevent the Commissioners from treating ecclesiastical funds, which are part of the general parish purposes, as being applicable to purposes outside the City?—Not at all, I think.

1988. That is a question of the construction of your Bill?—I think not at all. I think it is quite consistent with the previous provisions of the Bill that the Commissioners are to consider what endowments are ecclesiastical and what are general charity property. When they come to general charity property, then they are to see if it is eleemosynary, or rather they are to see whether other endowments can be construed as general charitable property if they are for eleemosynary purposes, then they are to be excluded from the operation of this Bill, and not from the inquiry.

1989. Do I understand you to mean that you do not intend this section to apply to any property which belongs to the class of ecclesiastical charity property, but only to general charity property?—Only to general charity property.

1990. And not to ecclesiastical charity property?—Not to ecclesiastical charity property, because that is determined by the special terms of each particular bequest.

1991. How many persons were present at those vestry meetings to which you referred us in your four parishes when you were appointed to represent them?—I have had perhaps three or four vestries on the subject in each parish.

1992. Can you give us the case of the last vestry meetings; take the four parishes, and tell me, in the case of the last meetings which you had in each of those parishes, how many persons were present?—The last vestry meeting at which the subject was considered was a week before Easter; in no case do they exceed twelve or fourteen.

1993. How low do they ever fall?—In one parish it was as low as five. I should explain to you that before the vestry is called, a printed notice containing the business to be done at the vestry is left at the house of every individual parishioner in the parish, and when they are told in the notice that this subject, for instance, is to be considered, if they do not attend it is obvious it is their own neglect, and they must be taken as assenting, because we find them ready enough to attend if there is any objection to anything going on.

1994. What are the expenses which you say are entailed by the practice of having an official trustee; you said it would be more expensive to have the property vested in an official trustee than not. Will you explain how it comes to be so expensive to have the property vested in an official trustee?—I can only refer you to my former answer on that point. With the single exception of a from year to year letting, or a twenty-one years' lease, we cannot deal with the property in any shape or way, either as to managing it or letting it, or selling or exchanging, or doing anything, without going to the Charity Commissioners. For that purpose we are obliged to have meetings of the trustees to take the matter into consideration, to authorise a communication to the Charity Commissioners.

1995. Apart altogether from the vesting of the property in the official trustee, you are required by law for a good many purposes to go to the Charity Commissioners, are you not?—For many purposes; but not for all the purposes connected with that circumstance, because if the property were vested in us, we could deal in many ways with the property without being under the necessity of going to the Charity Commissioners.

1996. What expense does it cause you?—The meetings of trustees.

1997. Are they costly?—There being no clerk to the trustees, they are obliged to employ a solicitor; they look to him for guidance and assistance; he is to call a meeting of the trustees; that occasions expense. There is a meeting of the trustees, that occasions expense; there is a communication carrying out their directions, that entails expense; then all the subsequent correspondence or interviews which may result from that are entirely owing to or arising out of the fact that the property is vested in the official trustee.

1998. Then every meeting of the trustees costs something?—When there is any business of that sort to transact; only in that case.

1999. Why have the trustees not a permanent clerk in these cases?—From the anxiety to save expense.

2000. But

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2000. But it costs almost as much if they have to call in a solicitor?—No.

2001. A solicitor makes certain charges?—A solicitor makes certain charges, but he does not make such charges as would amount to what he would consider a proper salary as clerk. We have as few meetings of trustees as possible, and do as much business in one meeting as we can contrive to get into it.

2002. You spoke of your own vested interest as one which was liable to be disturbed; do you mean your vested interest as a vestry clerk, or as solicitor to the trustees?—I think I hardly put it in that way, speaking of my vested interest. You asked me for an instance, and I told you my interest would be affected, that was all.

2003. Do you mean as solicitor to the trustees, or as vestry clerk, or both?—Both.

2004. Do you consider you would come within Clause 7 of the Public Bill, and that your vested interest would come under that?—I am afraid I should. “No person shall be deemed to have any vested interest within the meaning of this Act if the office which he may hold, or the emolument which he may receive, shall be one tenable or receivable at the pleasure of some other person or persons.”

2005. That is not the whole of the clause?—I do not care to go any further, that is quite enough for me. “But the Commissioners shall consider, and may declare what person or persons have in their opinion owing to the circumstances of the position of such person or persons, or generally on moral grounds, any fair or equitable claim to continue to receive any emolument.” I am afraid if I had to trust to the Commissioners’ idea of moral grounds as to my right to receive compensation for a vested interest, I should not get much.

2006. I am afraid you do not have much confidence in the Commissioner?—I should have more confidence if there were three Commissioners than one. I might manage to make two out of the three do what was right.

2007. Have you formed any estimate, I am not asking you with regard to yourself particularly, as to what principle the vested interests of vestry clerks or solicitors to trustees could be compensated; upon what sort of principle would you go upon?—I should say the best plan would be to make an average of what it has been for a certain number of years, and see what that comes to.

2008. Counting not only salaries received as vestry clerks, but also legal charges?—Yes, because the duties performed in respect of each are totally distinct.

2009. In respect of each trust?—In respect of each trust and of each particular office. The office of vestry clerk is paid by a salary, but it is annually renewable, and therefore would come within the terms of this section.

2010. Has not a vestry clerk work to do altogether separate from what he does for the parochial charity?—Yes.

2011. Why should the expense of compensating him be thrown on the charity?—No portion of the expense of the vestry clerk is thrown on any of the charities I have to do with. It is the business in connection with the charities for which each charity has to pay, and that consists entirely in ordinary legal charges for drawing leases, or settling a dispute with a tenant, or anything of that sort; business quite irrespective of a vestry clerk’s duties.

2012. That business relating to the charity property?—That business relating to the charity property.

2013. Has a vestry clerk any claim to be continued in doing that work?—No; none whatever. He is selected because he is the trusted adviser of the parish. He is selected as the proper person, and as most acquainted with the charity properties, to continue to advise the trustees who are parishioners.

2014. I understood you to say that it would be desirable in the case of a number of small charities to consolidate these charities and the bodies of trustees which they have, without the consent of the governing bodies themselves?—Yes.

2015. What grounds would you do that upon?—Because the charities in themselves

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themselves are so trifling ; but in the aggregate, I think they would form rather a large amount.

2016. On what grounds do you conceive they ought to be united ? — Because I think then they would be more beneficially applied.

2017. The money would be more beneficially applied ? — The income would be more beneficially applied. For instance, in the case of our charities, we receive 1s. 4d. from one source, 2s. 6d. from another, and 1l. from another ; and if they were all amalgamated under one governing body, I think greater advantage would result on every account.

2018. Would you apply that where there were two different bodies of trustees in the same parish, each, perhaps, with a small gift to administer ? — Most of those small charities I am speaking of are not held under special trusts at all ; they are paid direct from the source from which they have to come to the churchwardens, who, at Christmas, or at other periods of the year, according to the direction in the will, distribute them ; and I think if they were all put together they would form a large fund, the income from which might be very beneficially applied.

2019. I do not know what you mean by consolidating them. Do you mean instead of applying them to the particular purpose to which they are now applied, you would bring them, so to speak, into hotchpot, and allow the churchwardens to apply the whole sum to one beneficial purpose ? — Of course you must not do anything that would create injustice to others. That would be a subject for consideration ; but I am satisfied, taking it as a general abstract principle, that if these small charities, such as I have mentioned, were put together it would be a great advantage.

2020. What do you mean by putting together ? — Consolidated.

2021. Do you mean that the income arising from them should be applied, not necessarily, to the existing purposes ? — Not necessarily to the existing purposes.

2022. Where these funds are vested in different bodies of trustees in the same parish, would you conceive that there was ground for uniting the bodies of trustees ? — No, I do not think I have quite made myself understood. These are small sums.

2023. I am quite aware that that is usually the case, that there are small sums from different sources coming to the rector and churchwardens ? — They are not held by trustees in the parish at all.

2024. But sometimes it happens that they are held by trustees in the same parish ? — I am not aware of one.

2025. Supposing you had such a case, would you conceive there was good ground for consolidating the bodies of trustees ? — Then you would be mixing up, or interfering with, larger charities to which the same principle would not apply.

2026. Why should not it apply ? — Because they are already subjects of so much importance that the trustees are able to do as much good with them as possible. It is these small sums which do not do the amount of good that they might do.

2027. Do you mean that, speaking generally, when you get large sums they are applied in a satisfactory way ? — Yes.

2028. You think they are now applied in a satisfactory way ? — I think they are ; I should say with very few exceptions, and really and truly I cannot name a single exception myself.

2029. In which money is not satisfactorily applied ? — In which money is not satisfactorily applied ; I am bound to say that there are parishes, and I have told you of my own parishes, where we have a surplus that is unapplied, but I cannot say that that is either waste or misapplication. I do not admit it, and, on the contrary, I deny it.

2030. You do not think that it is waste of money if it is spent in a way which could be shown not to be substantially beneficial to the recipient. Supposing it was shown that it was not substantially beneficial to the class who received it, you would not call that waste ? — That is a matter of opinion as to whether

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whether it is substantially beneficial or not. What one man would think proper and right another man might think altogether wrong.

2031. Do you think the giving of bread at the church door is substantially beneficial or not?—That depends, again, on circumstances.

2032. You have experience of such cases?—Yes.

2033. Do you think, from your experience in the City, it is generally beneficial, or not?—There are, of course, and must be necessarily in all distributions amounting in the aggregate to a large amount, errors and mistakes. You cannot investigate every application for assistance.

2034. You told us that you preferred the plan of having five Commissioners, as proposed in the Private Bill. What sort of persons do you contemplate as being Commissioners on the scheme of the Private Bill, and how should you suggest they should be appointed. It says A. B. and C. D., “hereafter referred to as ‘the nominated Commissioners,’ shall be two Commissioners”?—Those Commissioners are Commissioners who, in my opinion, should be selected by the trustees.

2035. And ought to be trustees themselves?—They should be, or should have been, trustees themselves, or churchwardens; I am not at all particular as to which.

2036. But you said you thought that having five Commissioners would have a valuable influence in discouraging appeals?—Yes, I do say so.

2037. Do you think that would be so whether these nominated Commissioners who were appointed were persons who knew anything of law or not?—Yes.

2038. You would propose they should sit to decide these legal questions, although they themselves might not have any legal knowledge?—Yes, I do not see any objection to that at all, because we lawyers have to sit beneath the criticism and judgment of many people who are not lawyers, in many instances.

2039. Do not you think it would be a way to encourage appeals if you had cases heard by a tribunal which had not legal knowledge?—I do not think that is an inference that could be drawn from this. Her Majesty may appoint two persons, and they may be the legal element. You want something more than the legal element or the local element. You want also the interested element; the element of interest in the subject-matter.

2040. You object very strongly, as I understand, to the nomination of any members of the new governing body by the Metropolitan Asylums Board?—Yes.

2041. Do you know how the Metropolitan Asylums Board is composed?—I only know this with regard to the Metropolitan Asylums Board, that I have cast about in my own mind, whoever they may be composed of, to find out what they have got to do with the charities of the City of London. They are without the City, and you are dealing with City charities.

2042. I ask you if you know how they are composed?—I do not.

2043. Of course I can understand you would object to the Board if you do not know who they are. Do I understand you to contemplate that no part of this money is to go outside the City?—No, the surplus I have said many times, it is quite fit and proper should go outside the City if it cannot be properly applied inside.

2044. Why should not persons be chosen from a body representing the people outside the City to administer the surplus?—They might, perhaps, as individuals, but as a body I object to their sending any members to act on the Commission.

2045. Not on the Commission but on the new governing body?—Yes.

2046. If the surplus is to be administered outside the City, do not you think it fair that the population outside the City; that is to say, a population of 4,000,000 as compared with a population of 50,000, should be represented on the body to administer the fund?—I think they should be represented, but not by an interested body. The Metropolitan Asylums Board, the School Board, and Zion College, all have their own particular interests to serve.

2047. In what sense is the Metropolitan Asylums Board an interested body?—In securing their share, I was going to say of the plunder, but I mean funds.

2048. *Chairman.*] How would you represent the outside world on the Commission?—In the way in which we propose to do it by our Bill; Her Majesty to appoint 15 persons. I think that would be a sufficient representation of the outside world.

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2049. Out of how many?—Fifteen out of 50.

2050. Mr. *Bryce*.] What do you mean by saying that the Metropolitan Asylums Board is interested in getting their share of the funds; for what purpose do you suppose they would try to get it?—If they have no interest I want to know why they are put in the Bill. If you would pardon me I would only answer that question by asking another. If they have no interest in the matter, why are they put in the Bill?

2051. Our view is that they are interested because they represent the ratepayers of London; that is the view of the Promoters of the Public Bill; that they have a right to be there because they represent the London ratepayers?—Then would not that purpose be better answered by allowing the Corporation to nominate more.

2052. Does the Corporation represent the ratepayers of the metropolis?—I think it does.

2053. The Corporation of the City of London?—I think it does practically, and I will tell you why: It is one of the allegations put forward in its favour by the supporters of the Public Bill, that the resident population of the City is largely diminished. If that be correct, it must be occasioned by their going to reside out of it, and in that case they pay rents, rates, and taxes where they reside, and are as much entitled to be considered as representing ratepayers outside the City as any one else. The Corporation is mostly composed of such people.

2054. You said the Corporation of the City properly represented the ratepayers of the metropolis, I ask you to explain that?—I think the Corporation is composed of people who live outside the City in all directions, and are equally as much ratepayers as those who never go into the City at all, and therefore they represent interests outside the City as well as in the City.

2055. They do not represent persons outside the City, although they may be ratepayers themselves?—They do not represent persons outside the City, further than I have defined in my last answer.

2056. Mr. *William Lawrence*.] With regard to the last question, you have been asked as to the representation on the Board, and as to whether members of the Corporation represent other districts besides the City of London, are you not aware that the majority of the members of the Corporation live outside the City, and many of those occupy representative positions in the places where they reside outside the City?—I have no doubt of it.

2057. As churchwardens, as members of the Metropolitan Board of Works, as members of the School Board, and other matters?—Yes.

2058. Upon that question you were asked whether they represent any places besides the City of London where their business is actually carried on, and many of them, I believe, are very active in the districts in which they happen to reside?—Yes, there is no doubt about that; the City Solicitor, to wit.

2059. Then you have been asked some questions with regard to official trustees. Is it, in your opinion, desirable that an alteration should be made in the law compelling all moneys left for charitable purposes to be vested in official trustees and not in trustees in the usual way?—I think it would be very injudicious to do so, because you at once take away from the trustees the interest and the inducement they have to keep themselves thoroughly acquainted with what is going on and properly perform their duties. In course of time I believe you would lose that class of trustees whom you now have in the City of London.

2060. I am asking whether you think it is desirable that an alteration should be made in the law that persons bequeathing money to charities should be compelled to leave it in the hands of official trustees, and not in the hands of trustees appointed under their bequests?—I should say it is not desirable that the law should be altered in that respect. It would certainly be attended with one great drawback, it would seriously discourage and diminish such acts of benevolence.

2061. You have also been asked whether you agree with Mr. Freshfield as to the probability of the number of residential inhabitants increasing in the City of London; I believe you coincide with him in opinion as to the probability of an increase of residential inhabitants?—Yes, and I go somewhat further than he did.

2062. Are you not aware that at the present time the number of persons employed

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ployed in the City of London, men, women, lads, and girls, is increasing almost daily in the various manufactures carried on in the City of London?—Yes, I am sure of it from my own personal knowledge.

2063. And this increase is likely to continue in the City of London?—I see no signs of any diminution, but on the contrary.

2064. Is it not a fact that there is a very large amount of sleeping accommodation in the City of London now unused in consequence of the effect of the inhabited house duty upon these large premises?—I am quite satisfied of one thing, that there would be many more people avail themselves of the City for residential purposes if it did not entail at once the burden of inhabited house duty upon the whole premises. The high rents hitherto asked may also have had something to do with it.

2065. And under the present circumstances a large amount of sleeping accommodation in the City is actually wasted?—I do not like the word “wasted.”

2066. There is a very large amount of sleeping accommodation unused?—Yes, unused.

2067. Sir *Matthew White Ridley*.] I wish to ask you one or two questions about something you said with regard to applying some of these funds to the purposes of secondary or technical education. I understood you to be in favour of that?—Yes.

2068. You will include technical education?—I presume so.

2069. I did not quite understand something you said. I think you gave as a reason for that opinion the fact that the action of the School Board had rendered inefficient some of the existing schools?—What I meant by that was that the action of the School Board had stopped altogether, not by order but practically, most of these small minor preparatory schools to which people in the humble classes used to send their children, and to that extent they are just above the class that go to the Board Schools; they are unprovided for, and in course of time we shall find, and in fact it is being found out now, that the people who are educated at the Board Schools are receiving such an education that the children of clerks and others are being left in the rear altogether.

2070. But I do not understand you to say that the present schools founded by the School Board of London provide anything like a secondary education?—No.

2071. But they provide a better class of education than used to be provided by the City schools?—Yes, that is what I mean.

2072. Can you give me any idea of what sum of money is spent upon education out of funds belonging to the various parishes?—I have not gone into that question at all. I know that very large sums of money are spent, more especially by the City Guilds and the Corporation on education.

2073. The effect of the London School Board schools has been to stop a good many of the schools that previously supplied a good or fair education?—That is the effect that I intended to convey.

2074. And therefore you think that funds which are now applied, or have been largely applied to these elementary schools, should be taken and given to the purposes of secondary education?—Yes.

2075. Do you confine that only to the City?—No, not only to the City. I say the same remark would apply to the whole metropolis.

2076. Mr. *Firth*.] I should like to ask you a question with regard to what you said as to your disbelief in actual waste or misappropriation, and the question I should ask you would be this: Whether when the parish of St. Mildred, Bread-street, expended in a single year out of an income of 1,276 *l.* 3 *s.* 8 *d.*, 116 *l.* 19 *s.* 7 *d.* in refreshments for themselves and dinners, and 539 *l.* 6 *s.* 3 *d.* in aid of the poor's rates, making a total of about 656 *l.* 5 *s.* 10 *d.* for those two purposes only, or more than half the income, you would consider that not to be a waste and misappropriation?—I should like to know the facts first.

2077. I am giving you the facts?—No, pardon me, you are only giving me the result, as I understand you, of those accounts; but that does not give any explanation as to how, or under what circumstances, or under what authority, the money was so expended. I have given you an instance in my evidence of

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one case in my parish in which money is applied in lessening the poor's rates. If anything like the same circumstances existed in the instance you have cited as in that which I have mentioned, I should say certainly it was a justifiable payment.

2078. I am reading from the accounts themselves; perhaps you would like them more exactly read; the accounts supplied by the trustees of the parish themselves?—

2079. *Chairman.*] I understand you to say that you considered the application to the payment of poor rates may be a perfectly legal application, and one which you would justify?—It may be, for aught I know.

2080. *Mr. Horace Davey.*] It depends on the trust on which the property is held?—Yes; I have cited a case this morning, and read the words of one of our endowments where it is given for the purpose of lessening the poor rates. "My sole intention being to lessen the burdens of the parishioners." Now I think that money applied from that to lessen the poor rates is a perfectly justifiable application of the money.

2081. *Mr. Firth.*] Supposing these were endowments left for the benefit and advantage of the poor, would you consider the items I have read from the accounts supplied by the authorities were or were not a proper expenditure of the money?—I should say it would be a most improper expenditure of the money.

2082. The only other question I wanted to ask you was with regard to what you said as to the London School Board having no interest in the matter. You are cognisant of the provision of the 30th section of the Endowed Schools Act of 1869, to the effect that funds which are left for purposes which have failed, may, with the consent of the governors, be appropriated to purposes of education. I will read it to you if you are not familiar with it?—I will take your explanation.

2083. Are you familiar with it?—I am not familiar with it.

2084. There is a clause to the effect that where endowments for these purposes have failed, or are larger than the amount required for the objects existing, such as doles, marriage portions, redemption of prisoners and captives, relief of poor prisoners for debt, loans, apprenticeship fees, advancement in life, and so on, or any purposes which have failed altogether, they may with the consent of the governing body be applied for educational purposes?—Yes, with the consent of the governing body.

2085. Exactly so; that I will come to. Putting that out of the way you would scarcely suggest that the London School Board, representing by direct election 4,000,000 of people, had not an educational interest in these funds, subject to the consent of the governing body?—I should still think it is a far-fetched interest.

2086. Why?—Because the School Board, *prima facie*, is supported by rates; and I should think that was their specific representative character, the large amount of rates they levy.

2087. Taking that clause, setting apart the consent of the governing body, which was put in by one of the Members when it passed through the House, and which we know is not given, for what educational purposes would you think that the surplus funds of these endowments might be usefully applied?—For educational purposes.

2088. But for what educational purposes?—I have explained that not only my view, but the view of those I represent, is in favour of secondary education.

2089. *Mr. Freshfield* said the same thing?—I was not aware of that.

2090. Would your view of secondary education be met by the establishment of schools giving secondary instruction to which children of elementary School Board schools, and other elementary schools should proceed by means of scholarships?—I do not at present see any objection to such a scheme.

2091. *Chairman.*] I rather understood you before to say you intended these schools to be for a somewhat higher class of children than go to the Board Schools?—At the same time I think it would not be right to shut out those from

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from the Board Schools who have shown themselves by their capacity fit to go higher.

2092. Mr. *Firth*.] The cost of such a scholarship sufficient for maintenance at the school being paid out of the surplus funds?—Do you mean the exhibitions being paid for out of the surplus funds of the parochial charities?

2093. Yes?—That would be rather incompatible with the notion which I have.

2094. What is that?—That it should be for a different class of children than those who go to the Board Schools.

2095. Now, you are going back on your answer to the question the Chairman put to you. You said you would not exclude the poorer class of children?—Provided they got their exhibitions or scholarships from other sources. If you apply these funds to the Board School exhibitions or scholarships, you then take them away from the class of children which I think should be provided for.

2096. You do not propose or you would not admit the case of elementary school children or Board School children being supplied with the cost of their secondary education?—From other sources.

2097. From this source?—I should object to it from this source.

2098. You say this is for a higher class in your judgment than the Board School children?—For a class more neglected than the Board School children.

2099. But a higher class?—A higher class, and more neglected.

2100. Which class are you alluding to?—A higher class than those who attend the Board Schools.

2101. A higher social class?—Yes.

2102. Could you point out to me any ground whatever, either in precedent, in law, or in justice, having regard to the condition of these endowments on which you base the contention?—Simply because that I believe the class of children I refer to are more neglected in point of education, while everything is given to those of a still lower class who habitually attend the Board Schools.

2103. But if the children of the class you are speaking of choose to attend the Board Schools, as they do in America, they would be adequately provided for?—Of course you must be aware that many families and many children will not go to the Board Schools. I think it would be very hard indeed to force them there if there are means of affording them education in a different way. At the same time, if there are any scholars from the Board Schools who have shown, by their capacity, that they are fitted for something better, then let them go by all means. How they are to be paid for I have not yet considered.

2104. Do I finally understand you upon that point to base this opinion that where endowments are left specifically for the benefit of the poor, they ought in secondary schools to be made available for a class above the poor only?—As an abstract principle I should say I could not say that with consistency, but as a matter of fact we know that the children of a better class than those who are going to the Board Schools; not much above, but still better, and who will not go to the Board Schools, are neglected as regards education.

2105. There is no doubt about that?—I should like to see them provided for. I know in Lombard-street many of the bankers say if the Charity Commissioners would give us a scheme which would enable us to educate the children of our clerks who are receiving only small salaries, it would be an inestimable boon.

2106. My difficulty is this, how you can reconcile such an appropriation with the fact that the funds were left to the very poor?—For this reason, that I think the poor children are now amply provided for in the Board Schools.

2107. *Chairman*.] I suppose you would say that if there were no poor left in a City parish, then you may take a rather wider range for your charity?—We come, then, to a definition of poor.

2108. Have you considered what would be the financial effect of the City Bill upon charities which you are connected with?—In what respect?

2109. How much would the City Bill take from them?—I should say from a fourth to a third would be about the surplus; that is a very rough estimate.

2110. You think that would be the effect generally through the City?—I apply that generally to the City.

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2111. Then, assuming that the City Charities are worth about 120,000 *l.* a-year, we may reckon that, according to your view, the City Bill would take a surplus fund from them to an amount of from 25,000 *l.* to 30,000 *l.* a-year?—I should think that would be about it.

2112. It would leave you in the management of your existing property?—Yes.

2113. And it would leave you to dispose, as you have done hitherto, of that portion of your fund which you consider to be the parochial funds applicable to charity?—Yes.

2114. How much does that consist of?—I am not able to state that at all, for I only know of three or four instances of the kind.

2115. In your own charities?—I think mine is about the most favourable example; that is to say, the income is larger than I know of in other cases.

2116. How much is it in your own case?—In one parish it is 480 *l.* a-year, and in the other about 200 *l.*, I should think.

2117. Therefore those would be left to be disposed of as they now are?—As they now are.

2118. Have you considered what the effect of Mr. Bryce's Bill would be as regards the surplus funds of your charities; how much would be the surplus there?—I should think it would be almost impossible to calculate the effect of Mr. Bryce's Bill.

2119. Would it be very much larger?—It would be very much larger; in fact, I do not think there would be anything left for anybody.

2120. You do not agree with Mr. Freshfield that the general results, as regards the surplus, of the two Bills would be about the same?—I should think from the very stringent provisions of Mr. Bryce's Bill, and the definitions there given, that very much more would come into the shape of charitable endowments and surplus.

2121. Can you form a rough estimate from your own case?—No, I cannot.

2122. Take your own charities; instead of a fourth, would it take three-fourths from you?—No; I should not think it would be so very much larger. I must answer that question again by asking you whether I am to eliminate what I call the private parish property?

2123. Of course you are to take that out; I mean you are to assume that would go into the surplus?—Then I should think the result would be as I said just now, to leave nothing for anybody. Mr. Bryce's Bill, in its present shape, and with its present provisions, framed as they are, would absorb everything.

2124. Then you differ very much from Mr. Freshfield as to the result of the two Bills?—I did not have the advantage of being here when Mr. Freshfield gave his evidence, and as I said just now, I have not read his evidence.

2125. Then I am afraid I must ask you to take it from me that his opinion was that the two Bills would not differ very much in their general results as regards the surplus that would ultimately be disposable for other purposes?—I wish you to understand I have not considered that point at all.

2126. After all, is not that the main thing which we the Committee have got to look to; how much will be disposable for other purposes than it is now used for?—It appears to me the main point for the Committee to consider is how that surplus, which it is admitted would exist, no matter what its extent, can be best dealt with and disposed of.

2127. Mr. William Lawrence.] I wish to ask through the Chairman one question which I omitted; have you formed any opinion as to the time the five Commissioners under the Private Bill, or the three Commissioners under the Public Bill, would take in examining these charities, and framing schemes for the management of them?—The five Commissioners could naturally dispose of the question in groups; that is to say, two Commissioners could take one set of charities, and the other Commissioners could take another set, and be proceeding simultaneously, whereas it would be almost impossible for the three Commissioners to dispose of the charities in that way, and therefore the work in the one case would be expedited half as much again.

2128. Have you any idea in your own mind what time it would take for the doing of this?—I should think, under the Public Bill, we might look for the result

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result of the inquiry in about two years, and under the other Bill in about 12 months.

2129. Twelve months the Private Bill, and two years the Public Bill; that is your opinion?—Yes; that is my opinion only.

2130. I do not know whether you are aware that another suggestion or another opinion has been thrown out that instead of the three Commissioners under the Public Bill, or the five Commissioners under the Private Bill, the Charity Commissioners should take the whole management of the affair in their own hands, irrespective of this special Commission. What is your view as to their doing it, and as to the time they would take before they would have the affair finished?—I have a rooted objection to Commissions and Boards. I always find they take up an enormous amount of time, incur a great deal of expense, and ultimately satisfy no one. Therefore I cannot say that I think the Charity Commissioners would in any shape or way meet the object of either of these Bills, because the object is to benefit these charities, and not to keep the thing in a state of suspense, the same as we have been in the last two or three years. We have been kept in a state of suspense with regard to dealing with our charities.

2131. Then I will put it to you, supposing it be determined to hand over all these charities for examination, and arrangement and settlement, to the Charity Commissioners, is it your view that, consistent with the present amount of business in their hands, they are likely to dispose of it more easily, more quickly, and more satisfactorily than the Commission under the one Bill or the other?—Certainly not; I do not think that the Charity Commissioners would be able to dispose so efficiently and so rapidly of the business under either of these Bills as the special Commissioners proposed.

2132. Do you say this from some knowledge and experience as to the manner in which the Charity Commissioners have dealt with business and schemes which you have been personally concerned in?—I would rather not make any statement as regards the Charity Commissioners. It has been my experience of all public Commissions and Boards.

[The Witness withdrew.]

Chairman.] That is your last witness.

Mr. Claude Baggallay.] That is my last witness. Mr. Pearce would like, if you would permit it, to put in a plan that has been coloured to show which are the parishes which we profess are represented by persons who attended these meetings.

Chairman.] By all means. (*The same was handed in.*)

Mr. Ernest Law was then heard to address the Committee on behalf of the Corporation of London in support of the Private Bill.

Mr. Rickards was heard to address the Committee in support of the Petition of the parish of St. Botolph Without, Bishopsgate, and particularly with regard to the words in the 14th Section of the Public Bill, "to such extent as the Commissioners may think desirable;" but expressed himself content, in the event of the Committee deciding to proceed with the Public Bill, with the assurance that it was not intended that the funds of the parish which he represented should be appropriated outside that parish. In the event of the Committee deciding to proceed with the Private Bill, the learned Counsel to be heard either against the Preamble of the Bill, or in favour of a clause of exemption.

Mr. Jeune was then heard to address the Committee in support of the Petition of the parish of St. Magnus-the-Martyr.

Friday, 28th April 1882.

MEMBERS PRESENT:

Sir Thomas Acland.
Mr. Cubitt.
Mr. Horace Davey.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.
Mr. Bryce.

Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Earl Percy.
Sir Matthew White Ridley.
Mr. John Talbot.
Mr. Corry.

THE RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

Mr. *Edwin Freshfield*, re-called ; and Examined.

2133. *Chairman.*] I BELIEVE you want to make some explanation to the Committee?—In my evidence the other day I stated what was not correct, in one particular.

2134. Do you wish to say something by way of explanation?—When my evidence was sent to me to go through it, I checked it with the parts, and there is one part I have stated which is not correct. It is in answer to Questions 1512, 1513, 1514, and 1515.

2135. Mr. *Claude¹ Baggallay.*] I believe you, under a misapprehension of fact, stated something in answer to those questions which you now wish to put straight?—If you please.

2136. Will you give the answers afresh as you would wish them to stand to those four questions?—Question 1512 is, “Is it within your knowledge or not that where the Charity Commissioners frame schemes for the future administration of a charity it is the invariable practice, or I will say almost invariable practice, to vest the property in the official trustee?” I should wish that to stand with only the word “No,” as answer.

2137. The next question, 1513, is what?—“Where they settle schemes under the Endowed Schools Act is not that the case”?—The answer should be “In my own case there was the following clause inserted: ‘All real estates, not being copyhold, belonging to or held in trust for the charity, shall from and after the passing of this scheme, vest in the Official Trustee of Charity Lands and his successors, in trust for the Charity.’ The title deeds show that the property is held subject to certain customary services of the Manor of Steeple Claydon, and to the payment of a quit rent.” Then as to 1514, I think I should answer to that, that I do not know.

2138. Then in answer to the honourable Member for the Tower Hamlets, what do you wish to say?—I should like the words “I do not think there is anything about official trustee there,” taken out, because there is.

2139. Have you anything further to do?—Nothing.

2140. Sir *Thomas Acland.*] It is an alteration of substance?—It is an alteration of fact; that is the reason of my being here.

2141. Mr. *Claude Baggallay.*] Will you look at your answers, 1512, 1513, 1514, and 1515, made in answer to questions put to you by the hon. and learned Members for Christchurch and the Tower Hamlets, and explain shortly how you came to make the mistakes which you then made?—I gave the answer without having the scheme and deeds before me; that is actually how it happened; and for the rest, the property is managed under a lease which was granted in 1868, before the scheme was made in 1871, and it has always been continued under the lease, and until I looked at the scheme last night to check my evidence, I was not aware that the official trustee had anything to do with the scheme.

2142. Now,

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Mr. FRESHFIELD.

[Continued.]

2142. Now, I understand you, you wish your answer to number 1512 to be simply "No"?—If you please.

2143. And your answer to 1513 to be what? Will you give your answer again to that as you wish it to be?—"In my own case it was so as above stated."

2144. Your answer to 1514 you wish to be what?—"I do not know the particulars of any other cases."

2145. Your answer to 1515 should be what?—"Mary Barnes' Charity." May I say that these alterations do not make the least difference, in my opinion.

Some discussion ensued as to the form in which the evidence should be corrected.

The room was cleared, and the Committee deliberated.

After some time the parties were re-admitted.

Chairman.] The Committee have decided that your present evidence shall appear immediately after your previous evidence, and, of course, you may add a note to your previous evidence calling attention to it.

Mr. Freshfield.] May I add, my only object in coming here was that the Committee might not think that I have kept back anything.

Chairman.] We quite understand that. You have no further evidence to give?

Mr. Freshfield.] No.

Mr. Albert Pell (a Member of the House), sworn.

Examined by the Committee.

2146. *Mr. Bryce.*] I THINK you were a Member of the Royal Commission on the City Parochial Charities?—I was.

2147. And are now a Member of the City Guilds Commission?—I am.

2148. And have also been, for a good many years past, a Poor Law Guardian in the East of London?—I have been for many years a Poor Law Guardian for the parish of St. George's-in-the-East.

2149. And have taken a considerable interest, for a number of years, there and elsewhere in questions of poor law administration?—A great interest.

2150. I think you are also Chairman of an Institution called the Tower Hamlets Pension Committee?—I am, and have been for, I think, four or five years.

2151. Will you state the object of that institution?—The object of that institution is to find permanent assistance for poor persons whose case falls within the conditions which we consider necessary before we help them, and indirectly in that way to aid the better administration of the poor law in three great parishes in which out-of-door relief has been entirely abandoned, or is in the process of being abandoned.

2152. Those parishes are what?—The parish of Whitechapel, the parish of Stepney, and the parish of St. George's-in-the-East, where I would observe that for five years now no new case whatever has been put on for out-of-door relief, and that form of relief is almost entirely extinguished.

2153. I think you are also a Member of the Metropolitan Asylums Board?—I am.

2154. I should like to ask you some questions relating to points that arise upon the Public Bill, and the differences between the two; as regards the question of the Commission which is proposed by both Bills to inquire into the City Parochial Charities, would you state the grounds you have for thinking the Commission proposed by the Public Bill of three Commissioners to be the proper plan?—In contradistinction to that proposed by the Private Bill?

2155. Yes; that is five Commissioners; two of them to be nominated, and, as we have been told by the witnesses for the Private Bill, out of the trustees of the existing charities?—I think that the Commission proposed by the Public Bill would be more likely to consist of persons who would approach the question with liberal views, if I may say so, of the matter they had to deal with, and would, in all probability, be persons of a higher position.

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2156. Should

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[Continued.]

2156. Should you think it necessary that there should be a considerable legal element on the Commission?—Yes, I think there ought to be, undoubtedly, on the temporary Commission.

2157. That, I understand, was the view of the Royal Commissioners; they have suggested, in their Report, that one member should be one of the Charity Commissioners?—Yes.

2158. What is your view with regard to the proposition in that Bill, that for the parishes in the second schedule there should be one new governing body superseding the existing body of trustees?—I think that under the scheme proposed in the Public Bill, you would get a body of men applying general principles over the whole of the area to which these charities would apply, and the line of action that would be taken by them would be better understood by the public than if those charities were administered by a number of different authorities, not all of them, undoubtedly, likely to proceed on true principles, whatever some might do.

2159. Should you conceive that it would be a considerable saving in expense?—I should think a very great saving of expense. I understood that the proposal under the Private Bill is not to vest the legal estate of the trusts in the official trustee.

2160. That is so; but also the Private Bill proposes to keep these bodies of trustees existing, even if the property were vested in official trustees, while according to the system of the Public Bill, the property would continue to be managed by the existing trustees. What objections do you see to keeping on foot this very large number of bodies of trustees in the small area of the City?—We thought that their administration, as far as we could gather from the evidence submitted to the Commission, was not an economical administration, that there was expense attaching to this form of administering the trusts, which might very well be dispensed with, and would be dispensed with if there was one administering body for the whole of the Parochial Charities, exclusive of the five or six larger parishes.

2161. What do you conceive the result of that would be upon the amount of surplus available for the purposes of the Bill over the whole Metropolis at large?—I think there would be a better promise of a large surplus. I am bound to say I have not seen the Private Bill, I have the memorandum that has been printed with reference to it, and it seems to me natural to suppose that if the Private Bill became law, these various bodies of trustees should devote as much as they could of the funds to the locality which they are supposed to represent, and of course the more that is abstracted for these local purposes, some of which are very questionable in their use and advantages, the less there would be left for the general surplus to be distributed over the Metropolis. Might I say, too, as another reason, the whole tendency of legislation lately with reference, at all events, to the Poor Law, has been to extend the area, certainly, in the City, and in London, not only for contribution to the funds out of which the poor are maintained, but also to delocalise the administration as much as possible. The whole of the City now is treated as one parish, in addition to which there is a Metropolitan Common Fund which extends over the whole of the Metropolis, and which contains very much the idea of the general body of trustees under the Public Bill, or is at least in harmony with it.

2162. What was the impression produced upon you, as a Member of the Royal Commission, by the evidence which was given with regard to the application of the charity funds in the smaller City parishes now?—The impression made upon my mind was that it was extremely mischievous, and betokened a want of intelligence and information upon this subject.

2163. Should you conceive that it could with propriety be said that a large part of the funds now spent in the parochial charities in the second schedule parishes was wasted?—I should think a very large portion worse than wasted.

2164. Will you explain what you mean by that?—To take the case of apprenticeships, for instance, there are sums of money which have been bequeathed for an object that appears to have become entirely obsolete. The evidence went to show that there was not only a want of young people to be apprenticed but a dearth of masters requiring them. I can call to mind some instances where the fund that should have been applied to apprentices for

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[Continued.]

for want of objects was applied to other purposes in a very unsatisfactory manner. Then, with respect to the pensions and the doles; all the mischief which usually attaches to that form of benevolence, if you can call it benevolence, is to be found in the City in a very large degree, because there are very large sums for doles and large sums for pensions. There appears to have been also no correspondence whatever between those who administered the poor rate in the City and those who administered these doles; and undoubtedly in many cases there were persons who were receiving relief in both forms upon whom it was worse than wasted, because it interfered with and destroyed all the natural inducements to industry and thrift that are implanted, I hope, in our nature. In fact, it created a premium upon indolence.

2165. What effect had it upon the amount of pauperism in the City?—I do not know whether I can trace the large amount of pauperism in the City to that particular reason, but undoubtedly the City of London contains a very undue number of paupers. There is a return which we had put in which shows that. On the first week of January 1879 the ratio of paupers to the population in the City of London was 1 in 16. This was a return that was sent in, I think, by Mr. Headley, the poor rate inspector for the metropolitan district. It is official; it came from the Local Government Board, and was subject to correction upon examination.

2166. Mr. *Walter James*.] That is in the Report of your Commission?—Yes.

2167. What page?—Page 26. Whereas in some parishes outside the City you will find there are only 1 in 107, taking the whole of the metropolitan area the proportion is 1 in 37, which, I think, is a little better than the general proportion for England and Scotland now. I think it is something worse than 1 in 37 generally. Well, then again, as regards the cost, the effect upon the rate, the actual cost of out relief per head of population, calculated on the cost in the first week of January, was 4s. 4½d. per person, whereas in the parish which I represent as a guardian the cost is only 2½d.

2168. *Chairman*.] What parish is that?—St. Georges-in-the-East; and there, I am happy to say, we have very few endowed charities indeed.

2169. Mr. *William Lawrence*.] Twopence three farthings per person relieved?—No, 2½d. estimated on the population of the district.

2170. Mr. *Bryce*.] Can you mention any other instances of funds in the City Parochial Charities which you consider to be wasted, either ecclesiastical or general. Is it within your knowledge that there are a number of old ecclesiastical bequests for lectures and sermons, and so forth?—Yes, there were, undoubtedly. There were a number of bequests for lectures which were really sermons, the origin of which is rather doubtful. I think in several of the parishes they have been obliged to abandon the lecture. Nobody attended, and the thing has lapsed. Again, the amount of admittedly ecclesiastical charities, about which there could be no question, has become so much increased by the properties from which they are derived, increasing in value, that I conceive there has been an absolute difficulty, and an honest difficulty, in applying them to the purposes for which they were intended.

2171. may I take it, that in saying you think this property wasted, it is quite possible it may be wasted without the trustees being to blame for the waste?—I do not blame them for it.

2172. The trustees have been so fettered by the terms of the bequests that they could not help wasting the money?—They could not help themselves. They kept up the charities and the furniture and structure of the churches in high order. But then, when all was done in the way of expending money, there was some surplus still to be applied.

2173. I suppose in the case of the doles the same remark would apply, that the waste in many cases might be due to the fact that the trustees were obliged to spend the money, not to any fault of their own?—They were obliged to spend the money in doles unless they applied for a new scheme to relieve them of such a mischievous compulsion.

2174. What has been your experience of the use of doles generally?—First of all, that they reduce wages. They directly reduce them where the doles are of considerable amount, and indirectly invariably reduce them by

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[*Continued.*]

attracting people of the lower orders to a district in larger numbers than a legitimate demand for their labour would account for. Then, again, they appear to have a very bad moral effect. Those who have been in receipt of them for a long time you generally do not find as independent as you would desire. They have a charm about them it is extremely difficult to explain. It came under my own observation in the City, not as a Commissioner, but as an attendant at a church where a dole was being administered, that the bread given to one person certainly could not have been worth above 6 *d.* In that case a special messenger had been sent for it for two-and-a-half miles. I asked him whether that was remunerative, and whether he was paid for his travelling and for the work that he did. Well, he said, he was not paid in money, but that the dole went to a blind person who could not very well come himself. A lad of about 18 was thus employed to fetch it, and the blind man always gave him his dinner. I said, "Does he give you the bread for your dinner?" "Oh, no," he said, "he gives me meat for my dinner;" so that in that case the person in receipt of the dole must have parted with good meat of some kind for dry bread. That explains what I mean by the charm that attaches to these doles. It is unexplainable, but I have no doubt that Members of the Committee can call to mind instances of that sort in their own experience.

2175. Will you look at the 15th clause of the Public Bill and just tell us what, from information derived from being on the Royal Commission and your experience as a poor law guardian, you think are the principles which ought to determine the application of these funds over the metropolis at large. You see the objects which are suggested in Clause 15 of the Public Bill?—Yes; that contains a recital of the schemes "for the promotion and improvement of the education of the poor inhabitants of the parish."

2176. I wish you to say what usually, from your experience as a poor law guardian and otherwise, you think would be the best means of applying these funds, or the principles on which the application ought to proceed?—There has always been a difficulty in my mind how to apply any endowed charity well. How to apply it in the way that will be least mischievous is always the form in which the question has presented itself to my consideration, and as I grow older I do not think the difficulty diminishes of solving that question. But on the whole I thought, as it is natural I should think from my name being on the back of the Bill, that these purposes were as likely to be as good as any others, or better than many others. With reference to one particularly, namely, that of preserving, providing, and maintaining open spaces and recreation grounds or drill grounds, available for the poor inhabitants or for all inhabitants, that seems to me unquestionably a good use of the money. Well then with reference to the others, as far as endowed charities go to assist efforts made by the poor providentially, I think they do good; but if it is intended that the maintenance of libraries and the education of the poor inhabitants of the parish, and the promotion and extension of provident institutions, is to relieve any class of society of the first duty which they have to provide those objects themselves, then again I think our Bill would not be doing much good.

2177. Mr. *Horace Davey.*] What do you say to museums and public libraries?—I think they are still open to the same remark; perhaps a museum not so much as a public library.

2178. Mr. *Bryce.*] You would conceive, would you not, that the money being once applied to the erection of a museum or buying of the books, there would not be a risk in future that it could do any harm; it would be rather like the case of an open space or recreation ground; you have sunk your money?—It would depend on what the books were and how they were used. That is not a question which I answer without having made inquiry into the question. I have been into public libraries in great towns and I have asked the librarians, "Would you mind telling me what books are most frequently called for," and I have been told, "You may see the list," and I have found certainly a very small demand for several books that I am quite sure you would be most anxious should be very generally read and studied, and a great demand for what might be termed light literature, which is very refreshing no doubt.

2179. Have

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[Continued.]

2179. Have you anything particular to say about the clause relating to provident institutions which I think you have taken some interest in?—Yes, so far as the money is to go in aid of provident institutions which originate with the people themselves and in aid of their own effort, I am for such an application of the money, but I should be very sorry to see the money applied for the establishment of a provident institution, we will say in St. George's-in-the-East, which would interrupt any efforts the people are making to provide those things themselves.

2180. Your idea would be that it should be so applied as to stimulate effort, and not to supersede it?—To provide them with the land and the building, and so on. That is very costly and very difficult to get.

2181. With regard to a clause in the Private Bill which I will read you, the Private Bill proposes this application of the funds "To the providing pensions for reduced professional men, merchants, tradesmen, and others resident within the Metropolis, their wives and widows, under suitable restrictions as to age and other qualifications;" that is on page 22, sub-section 1. I should like your opinion as to that proposal?—I understand that this is to be pensions for professional men who have been in practice in the City.

2182. I know nothing about it, except what it says for itself?—I do not think the City would thank the Promoters of this Bill for a scheme which induced incompetent persons to come within the City to practise upon the expectation that they would be relieved of the consequences of their incompetency in their old age, by a grant from charitable funds.

2183. Do you think that that proposal, taking it altogether, is one not only open to, but rather strongly liable to abuse?—It would be liable to abuse if it is thereby meant to invite incompetent professional men who, in consequence of their incompetency, become reduced in their circumstances, into the City. Of course it would be liable to abuse under such circumstances.

2184. Would there be a tendency for persons to discharge themselves of their own moral obligations by endeavouring to be generous out of the public charitable funds?—Undoubtedly there would.

2185. Would it be likely to lead to the neglect of moral obligations and to open a door to jobbery?—It would lead to neglect of moral obligations; I do not know about the jobbery, but I should think it would not matter very much to whom it was given individually. The thing is so generally mischievous that I should not much care who got the money.

2186. By the Private Bill it is proposed to be given to the new governing body which the Private Bill constitutes?—Yes, I suppose it is; I take it in the City Bill this applies to the application of the surplus.

2187. *Chairman.*] That method of application stands first?—Yes.

2188. And therefore one would presume it to be considered the most important one?—I also observe that it is printed in *italics*. I do not know whether this is emphasizing it.

Mr. Bryce.] No, that is in order to indicate that it is not in the other Bill.

2189. *Chairman.*] Standing first, it would indicate that it is one of supreme importance?—Yes; it is marshalling it before relief to be given to the poorer classes.

2190. *Mr. Bryce.*] With regard to the governing body proposed by the Public Bill, what do you conceive ought to be the principles on which the new governing body ought to be composed. Look at Clause 42 of the Public Bill, and Clause 33 of the Private Bill, and you will see the two governing bodies?—Yes; I think I am aware of the difference between the two. First of all as regards numbers, there are 17 in one case, the case of the Public Bill, and 50, I think, in the case of the Private Bill. Well, then, the governing body which is designed under the Public Bill, I think, is one that is likely to take a more general view of the whole question. It is not so peculiarly local as the governing body under the Private Bill. Again, 50 members of a governing body seem extremely unmanageable. I should think the result of your having 50 members

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of a governing body would be that there would be perhaps 12 or 13 of them to really do the work of the governing body, and perhaps originate some good measures which would be questioned by the remaining 38, who would defeat them on a vote.

2191. I think the Royal Commissioners recommended that there should be representatives of the Metropolitan Asylums Board on the new governing body?—Yes.

2192. And that is followed in the Public Bill?—So far, it is.

2193. What was the reason why the Royal Commission chose the Metropolitan Asylums Board to send representatives?—Because the Metropolitan Asylums Board is a representative body from all the parishes in the metropolitan area.

2194. Including the City?—Including the City; they are elected to the Metropolitan Asylums Board by their fellow guardians, with the exception of a certain number of nominated members who are put on by the Local Government Board; I do not know how many. One honourable Member of this Committee is a Member. I am told by the honourable Member for the University of Oxford there are 15 nominated.

2195. Mr. William Lawrence.] How many does the Asylums Board consist of?—Sixty Members; 45 elected, and 15 nominated.

2196. Mr. Bryce.] Do you conceive from what you saw on the Royal Commission, that the surplus to be applied over the metropolitan area ought to be by far the larger portion of the whole parochial charity revenues?—Yes; I think it would be; the population of the City has become so small.

2197. Considering the need of the present applications inside the City?—Yes.

2198. You would conceive that by far the larger portion ought to go into surplus?—Yes, I do not want to criticise the action of the trustees in the City, or to complain of it. They have been very much the creatures of circumstances, from which I hope they will be relieved.

2199. That is also the view of the Promoters of the Bill generally?—There was very little evidence given before the Royal Commission of anything that could be termed a dishonest application of the funds. I think only one or two instances were given in which you could clearly see that there had been a dishonest application of the funds.

2200. I may ask you, as one of the persons whose names are on the back of the Public Bill, it was not the intention of those who brought in that Public Bill to make any imputation on the trustees?—Certainly, no reflection whatever.

2201. May I take it you conceive that the Metropolis at large ought to have a majority of members on the new governing body as compared with the City?—I think so.

2202. I do not know whether you have anything to say about the part which you yourself took in drawing up the Report of the Royal Commission, or any statement to make to the Committee on that subject?—The truth was, that at the time the Report of the Royal Commission was drawn I was extremely unwell or recovering from a very severe illness, and perhaps I acquiesced in some of the propositions there that I might, if I had been in stouter health, have questioned a little. There were one or two points upon which, as the Committee are aware, I could not entirely agree with the rest of my fellow Commissioners, especially that part of the report which referred to the discrimination between the ecclesiastical and eleemosynary charities. Sir Farrer Herschell, as a member of the Commission, was good enough to draw up a memorandum upon that subject, to which I very willingly assented, and put my name. Then I thought we had not been quite precise enough with reference to some of the applications of the charities. We did not sufficiently condemn the application of the charities to the provision of articles of first necessity, and therefore I added a short memorandum myself on that point. I admit at once that the Public Bill no doubt does, in its provisions, go beyond the Report of the Royal Commission to some extent, but I am prepared to stand by that advance.

2203. To stand by the Bill?—Yes, by the advances which is made in the Bill.

2204. Where the Bill differs from the Report of the Royal Commission, your present judgment is in favour of the Bill?—In favour of the Bill.

2205. Is

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[Continued.]

2205. Is there anything else you wish to state?—No, I think there is nothing to volunteer.

2206. I may perhaps ask you whether you have at all considered a proposal which appears in the Private Bill, to exempt from the Commission, unless with the consent of the trustees, any scheme less than 50 years old?—Yes.

2207. Has your attention been drawn to that?—Yes; I think I am aware of the difference between the proposals in the two Bills; the proposal in the Public Bill is that only those charities shall be exempted from the scope and powers of the temporary Commission, which have been created within 50 years, and that would leave the Commission to deal with all schemes which are of a recent formation; but the Private Bill excludes the schemes which have been made within the last 50 years from the operation of the Commission.

2208. What is your opinion upon that?—I think it would be an unwise thing to do. I think we have very much advanced in our knowledge of the terms upon which schemes should be drawn, and there would be a very strange and marked inconsistency at once established between some of the new schemes, though they have been considered good, and the schemes which will probably arise out of the action of the new Commission, if it were formed, which would be undesirable. Such a contrast would not be pleasant.

2209. Would it not also be the fact that it would be impossible to consolidate charity funds and apply them to pretty large objects, because the existence of the present schemes would prevent a re-arrangement of charity funds for larger objects, which would be very desirable?—Undoubtedly it would. I might add also, though I do not know whether I am right in mentioning it to the Committee, my own feeling is very strong about the powers that are given to persons to devote money for an indefinite period of years for a particular object. I never can conceive why a State permits such a thing. Here is a difficulty which the Committee are dealing with; how to deal with these charities which have become obsolete, which were founded with good objects, and which were perhaps fitted to the circumstances at the time of the "pious founder," and although it is manifest that many of them should be diverted to other objects, or should be differently applied, there is a great difficulty in doing it. It has occurred to me, as no doubt it has to others, that if some statutory provisions were made by which persons should not will and dispose of property for a long period of years, except on the understanding that at periods of 50, or 30, or 40 years, those bequests should be subject to Parliamentary revision; we should then be checking or putting a stop to an evil, which I am sure we must all feel at the present moment, is embarrassing Parliament and trustees all over the kingdom.

2210. I may take it, therefore, you think that the object of the reform of these charities would, to a great extent, be defeated, if schemes made within 50 years are exempt from its operation?—Yes, I am quite in favour of a revision of the schemes, whether they are the schemes of this new Commission, or the schemes of the Charity Commission, or schemes that have been settled by the courts of equity, or new bequests, or new trusts, I am in favour of it being clearly understood that all such dispositions of property should be made subject to the understanding that the nation or Parliament might revise them, and apply them where it was needed to objects more suitable to the existing time.

2211. Mr. *Walter James*.] The opinion which you have just expressed is in accordance with the third paragraph of the dissent with your name attached to it, which appears in the third paragraph at page 13 of the Report of the Royal Commission?—Yes, certainly.

2212. You say, "I think, too, that where a small foundation created for a particular purpose has, owing to accidental circumstances, enormously increased in value, and can no longer be applied in strict accordance with the terms of the foundation, it cannot fairly be inferred that the founder, if he had foreseen the increase, would have desired that the increment should be used for the same, or even similar, purposes to those for which he destined his original benefaction"?—That is retrospective. I want to go further prospectively, and, if possible, limit in future the "pious founder's" powers of disposal.

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[Continued.]

2213. Do you think there would be any advantage if, instead of inserting a new and temporary commission in the Bill, the Charity Commission were inserted?—My own feeling is in favour of the new Commission. It is just a point that one would like to hear argued in Parliament; I do not like to urge my own opinion here.

2214. Do not you think, all the information at the present time being in the hands of the Charity Commission, it would be at some future time a great saving of trouble?—I should think the Charity Commission have plenty to do at present; their hands are quite full. I observe Sir Seymour Fitzgerald is in the room; he will be examined, and he will be more able to answer the question than I am.

2215. Did you ever make the question of the receipt by individuals of these particular doles the subject of your own personal investigation?—Yes, I have.

2216. Would you mind shortly stating your experience in that respect to the Committee?—I have found cases in the City in which people were deriving what I thought a very much better income from parochial relief, and from these doles, than they could expect to make by honest industry. I think I once calculated that a person of middle age might go into the City of London, and if matters were administered as they are now in respect of the Poor Law, and of the charities, he might fairly calculate upon having an income of from 33 *l.* to 35 *l.* a year out of the rate, and out of the charities.

2217. If he had went and lived there?—If he went there with that specific object; not to work, but to get what he could out of the poor rate, and the endowed charities.

2218. Did not some individual cases come specially under your notice?—Yes, there were some.

2219. You found persons in receipt of a considerable sum from doles and also in receipt of parochial relief?—I had very little time to devote to it, but I found this case of a family in the City who were working for a well-known firm, and had been for many years. The mother and daughters, who were then grown up, and the son had been, while so working, in receipt of parish relief, which was wholly unneeded. It was not wanted in any way whatever. They were perfectly open with me on the subject. They did not seem to have any hesitation whatever in revealing the state of things. I said, "Are you in receipt of this relief now," and I was told, "No, because we have applied for a dole or a pension." I think it was a pension in that case, and the relieving officer, to use the expression of the woman, had stepped round to say that perhaps it would be as well that he should take them off the out-door relief before they made the application for the pension. And therefore, not on the ground of their not needing the poor relief, but upon the ground that they were going to apply for the pension, the officer struck them off the list.

2220. You have explained, in what is generally known as some of the very poor parishes, how very small the poor rate is, and how, in a contiguous neighbourhood, a very wealthy union has a very high poor rate. I am particularly anxious not to cast any reflections upon individuals, but can you in any way in general terms account or state any grounds for such a state of things as the existence of a high poor rate in a very wealthy union and a very small poor rate in a very poor union?—The way I account for it is this, that in a very wealthy union they can afford to do it. Anybody who has watched the rise and fall of the poor rate in England will find that the poor rate, certainly in respect of out-of-door relief, rises as times get better and falls as times get worse; that is to say, the charge for out-of-door relief in England I suppose has never been heavier than in 1872, and I think not lower than it was last year, and at the present time, when we hear so much about the unemployed poor and depression in agriculture and trade. I explain it in this way, that the giving of that form of relief is a thing that satisfies the impulse of the guardian for the time being who does not so much consider really the necessity for the relief as the comfortable results of complying with the request of people to be helped in this way, strengthened by a feeling on his part that the times are so good he can afford the charge.

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2221. A sort of feeling of easy going generosity?—Yes, but when trade and agriculture get worse, the rate begins to be really felt, and there is more care in the administration of it. What I would like to say is, it is not a matter of conjecture, it is a positive fact that I am stating with regard to the figures of out-door relief.

2222. The general tendency must be to reduce wages, and with that you must inflict an injury greater or less on the whole community?—Yes; I have no doubt whatever in my own mind that it reduces wages and has a very bad moral effect, not more upon the lower orders than it has on the upper class and the middle class who give the money.

2223. Will you state the objects of the provident institution with which you are connected in the Tower Hamlets?—The object of that association is to afford pensions, sufficient weekly or monthly sums of money to persons who upon inquiry made by the members of the committee are found to fall within the conditions which we have imposed by the rules for the administration of that form of assistance; among others, that they must be of a certain age, and that they must be resident within the parishes where the out-door relief is being done away with, that their relations and their old masters are doing, however little it is, all that they possibly can do for their help. When I speak of relations, whether they are under any legal obligations or otherwise, has nothing to do with it with us. We should prefer a case where the neighbours help a person to one where they were giving no help. We find that a sum of about 700 l. a year (our income is about 700 l. a year, which we have given to us) about meets the cases.

2224. In preference to funds of this nature being given for objects such as you have described, do not you think it would be better that the capital should be spent, and, somehow or another, that the money should be disposed of?—You are now talking of the charitable trust fund.

2225. Yes?—Yes, I do think so myself; that is why I was so much in favour of the purchase of land for open spaces.

2226. You do not think that in the event of any new governing body for these charities being formed, in the event of building operations being carried on in densely crowded parts of London, that there ought to be any difficulty in laying out squares, and that the central portion of the square might be bought by the new governing body?—I think that would be an enormous advantage to the poorer classes. When I tell you that about the only open space that we have in St. George's-in-the-East has been acquired by sacrificing the greater part of the churchyard of the parish church, removing the tombstones, and by the throwing into the same ground an open space that belonged to a dissenting chapel adjoining, you can quite understand how anxious I should be to see some better provision made for gardens and open spaces for the people there.

2227. You entirely approve, do not you, of the provisions in the Public Bill with regard to the official trustee?—I do.

2228. Although it would not interfere in any way with the management of the property?—As I understand it, nothing but the legal estate will be vested in the official trustee. I cannot understand how it can in any possible way introduce any interference on the part of the Charity Commissioners with the administration of the charity.

2229. Do you consider that allegations to the effect that the vesting of the property in the official trustee would interfere with the management of the property, must be made under some misapprehension?—I should think so; I am not a lawyer, but I should think so. I know charities in the country where the property is vested in the official trustee, and I am not aware that there has been any interference with the administration.

2230. Mr. Cubitt.] With regard to the Tower Hamlets Pension Society to which you have referred, do you get a sufficient supply of money for all you wish to do?—We never relieve unless we relieve adequately.

2231. Is the money that you get from private persons sufficient for the demands made on you?—It has been up to the present moment. We are
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always in apprehension when the year comes round, but we have lived through at present.

2232. Do you think this provision of the City Bill to which the honourable Member for the Tower Hamlets directed your attention, dealing with pensions, might be so modified as to come within your ideas of a beneficial charity?—No, I do not think it could, for this reason. I do not think you could possibly get the extremely searching inquiry into the merits of cases made by trustees of a fund to which they do not contribute, that you get made by the committee who furnish the funds. I would say with regard to this pension society we have no paid officers; the inquiry is made personally by the members of the committee. After the case has first gone through the scrutiny of the poor law officers, and, secondly, through the scrutiny of the officers of the Charity Organisation Society, when it ultimately comes under the inquiry of those who find the money, circumstances are found about some cases which have escaped the observation of the paid officers, and which perhaps throw the case entirely out of the category of those which we could relieve.

2233. In fact, you think it essential that such a society should be kept up rather by funds from individuals than charity funds?—I am entirely of that opinion myself.

2234. With regard to the doles which have been alluded to, is it your opinion that the number of bodies in the City which distribute doles, causes a great deal of difficulty in their distribution?—Yes, we found that out, I think, in the inquiry by the Royal Commission.

2235. Is it your recollection of the evidence that it was quite possible for people to be receiving money from more than one set of trustees at the same time?—Undoubtedly; and also I would say that we found a strange contradiction in the practice of those who advocated this application of doles, and in their theory about them. For instance, in answer to questions which I put myself especially to the clergy, there was a very general consent of opinion that the doles were useful and did good; and to more than one witness I put this question: "Well, believing, as you say you do, that these doles of bread and meat are of really great advantage, and that the parish could hardly do without them, have you ever in your lifetime contributed one penny towards the extension of this form of charity?" and I never found that a clergyman or a witness had done so.

2236. As to the open spaces, is not it a fact that there are two bodies already legally constituted who can take the management of them; at present I think the Corporation of London and the Metropolitan Board of Works have certainly legal powers for managing them?—I was not aware of that; I am ignorant upon that point.

2237. If that is so, and any money from these charities were devoted to such objects, it would do away with the objection of having to provide a new board of trustees to manage them?—Yes, I conceive that would be one result, certainly.

2238. And that would be a desirable result?—I think so.

2239. The same would apply, to a certain extent, if money were devoted to convalescent hospitals, that existing hospitals could administer the money?—I do not quite follow that question.

2240. That money given over to a convalescent hospital would be spent once for all?—Do you mean for the purchase of the building?

2241. For the purchase of the building?—Yes.

2242. It would not require a permanent body of commissioners?—No.

2243. With regard to the representative body recommended in the Report of the Commission, I think there was no doubt in the Royal Commission that it should be representative of the whole of London?—Yes.

2244. But I think they felt a difficulty in actually recommending a board which would come up to those requirements?—Yes.

2245. And, therefore, the recommendation of the Commissioners was intended more as a sketch than a plan that they were definitely fixed to?—Yes; I think that was quite our case.

2246. With regard to the ecclesiastical funds, I think the Commissioners did not consider it, in the terms of their reference, that the Union of Benefices Act of

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of 1860 was a question they could go into to any extent?—No, they did not. It was considered by the Commission.

2247. And the general opinion was that if that Act was further applied or amended it would release, very beneficially, a very great extent of ecclesiastical funds?—Yes.

2248. As to the memorandum which has been alluded to, signed by yourself and Sir Farrer Herschell, do you recollect whether that memorandum, in its present form, was ever submitted to the whole body of the Commissioners?—I cannot say that; I cannot say whether it was or was not. I can say this, that Sir Farrer Herschell did not submit it to me in the Commissioners' room. It was, I think, in the House that I saw the manuscript of it, or it was sent to me down in the country.

2249. All I wish to imply by the question is, that it is uncertain that certain others of the Commissioners might not agree in certain parts of that memorandum?—Some others might; but, undoubtedly, all would not, because the propositions that are contained in Sir Farrer Herschell's resolution were considered in the Commission.

2250. You cannot say, of your own knowledge, that the memorandum was submitted to them?—I do not think it was, as far as I remember; I will not be sure about that. I cannot remember it. I cannot call to mind it ever having been submitted to the Commission.

2251. Mr. Bryce.] Your impression rather is that it was not?—As I cannot remember it being submitted, one's impression would be that it was not. I can remember signing my own memorandum at the end. As I said before, I was very unwell at the time.

2252. Mr. William Lawrence.] I believe your name is the second name on what is called the Public Bill?—Yes, it is.

2253. May I ask you whether you have read that Bill?—Yes, I have, indeed.

2254. I think you said that you have not read the other Bill?—I have not.

2255. You have not seen it?—I have never seen it unless it is contained within these sheets that I have here. That is all I have seen of it.

2256. I think, in your evidence you stated that you consider the Public Bill far preferable to the Private Bill?—On a comparison of the provisions of the two Bills, which I find in a memorandum which I have before me here, which has been submitted to the Select Committee. That is where I gather my knowledge of the Private Bill.

2257. You come to the conclusion that the Public Bill is the better of the two Bills, you not having seen the Private Bill, from the abstract of both Bills?—Not having seen the Private Bill, but having seen in this memorandum, which I hold in my hand, what pretends to be a statement of the principal features of the Private Bill, in parallel columns with those of the Public Bill.

2258. I think you stated that it was not the intention of the Royal Commission or of yourself, and I think you answered for others promoting the Public Bill, to cast the slightest slur upon the present governors of the charities?—Certainly, that was my own feeling.

2259. And I think you said that it was the feeling of the Royal Commissioners?—No slur upon them, as having administered the charitable funds in a way that was inconsistent with integrity; that is what I meant. I cannot relieve them from a charge or a slur of not having administered them with intelligence, and in the best possible way for the public.

2260. I would ask whether you did not state that they were under such circumstances that precluded their administering these funds in the way you would have thought most advisable?—Undoubtedly; but they might have gone for new schemes.

2261. Your view is that the governors of the various charities administered them with integrity, and also under the present provisions under which they acted, they administered them in a proper way; your view, however, being that they might have applied for further authority?—Yes. I do not regard their feasts and their excursions as anything very serious. Of course, they are what

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the public call scandals on the administration of the charity, but the difficulty was what to do with the money. Nobody ever alleged that it was an illegal application of the money to these feasts. In some instances they were absolutely directed by some of the wills. There was that extraordinary feast which was to be given to reconcile those who had quarrelled, which appeared to me to be a direct premium upon quarrelling in the parish, because I do not see how you could have the feast unless you could get two citizens, who were at variance with each other, to reconcile.

2262. Having those views, how can you reconcile them with placing your name on the back of the Bill, the Preamble of which says: "And whereas many of the objects or purposes to or for which the income of the said parochial charity property is properly applicable have disappeared, or have become practically useless, and a great part of such income is now unapplied, or wasted, or misapplied." Do not those terms reflect on the governors who had the management of them?—No, indeed, I do not think they do. It would be no reflection upon the economy of a person in respect to his food, if you were to say that he wasted his food, when he was only provided with a plate with a hole at the bottom. How could he help it?

2263. Do I understand you to say the trustees, who carry out the application of the funds entrusted to their care, according to the terms of the trust, faithfully and with integrity, can be charged with having wasted or misapplied those funds?—I should perhaps like to put it better; to say the funds were wasted. That would remove some of the personal character.

2264. Mr. Bryce.] That is what the Bill says. It does not say the trustees have wasted the funds, but the funds are wasted?—I am glad it is put in those terms.

2265. Mr. William Lawrence.] I must ask, how can you state "funds are misapplied"; unless those who have the management of them misapply them?—A proper application of funds in 1640 might be a misapplication of funds in 1880, regarding the thing objectively.

2266. Would it be so if the trust had not been altered to suit the altered circumstances of the times?—Yes.

2267. Would the trustees have any power to alter the application of the funds?—One must come really to the way in which some of these charities were dealt with in order to illustrate one's case. There was the case of St. Mary, Aldermary, which will explain how I think, without making any reflections on the trustees, you may say there was a misapplication of the funds. It is on page 28 of the Evidence, Question 916. I opened this quite by chance. It is not a case I have looked at. When the room was cleared, I opened the Report here, and I found this. The Chairman says, "Do you say that your estates are applicable first of all for church expenses, and secondly, for assisting the poor?"—No, I cannot say that." The witness is the vestry clerk of St. Mary, Aldermary: "I cannot say that; we have used the money for church expenses, and then have generally treated it for any purposes that we pleased." I think it is very likely that under such an administration as that money would be misapplied.

2268. I take it you do not read the words in the Bill which I have quoted as casting any reflection or slur, or as intended to cast any reflection or slur, upon the managers or governors of these charities as to their integrity, honesty, and good faith according to their views in administering those funds?—No slur whatever upon the managers, but a condemnation of the management.

2269. I know you take a great interest in the management of these matters at the East end of London, and I think, according to your views, as a rule, all charities are a mistake, and cause more mischief than they do good?—Do you mean by that, all charity or all endowed charity?

2270. All endowed charities?—Yes, I think that on the whole there is more harm than good to society from endowed charities.

2271. I think you also consider that all out-door relief of any kind, under any circumstances, is mischievous?—I am perfectly clear about that.

2272. I only wish to gather your views. You consider that any out-door relief, whether of a temporary kind to persons in temporary distress caused by accident,

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accident, disease, or from any cause whatever, is a mistake and mischievous?—Mischievous especially to the upper and middle orders, more mischievous to them than to the poor person who happens to be asking for out-door relief from the rates, because it relieves persons who ought to help their neighbours, and is perfectly well known to do so universally throughout the country, from duties which, as Christians, they are bound to recognise, and give play to in their relations with the poor; and furthermore, because I believe that the existence of that form of relief encourages mendacity, and improvidence, and want. Those are my reasons; but at the same time let me observe, that I should be the last person to say that a guardian or anybody else has done his duty by the applicant when he simply says to him, we will give you no “out-door relief,” and you must do what you think best for yourself.

2273. If I am right instating your view, it is this, that all out-door relief should be refused, but in-door relief should be granted where the necessity exists for parish relief?—I think that the bestowal of “out-door relief” by poor-law authorities is mischievous to all classes, and that the abandonment of it in the parish where my own property is, and which I represent, has been an immense advantage to the poor and to the owners of property as well.

2274. I am only wishing to gather your views as to the administration of relief to the necessitous. Then I may take it that the general principle which you advocate is this, that where parish relief is required in any family through temporary causes or otherwise, that parish relief ought to be given in the workhouse and not out of it?—No, certainly not. It ought to be given in the first instance by the relatives, the neighbours, the friends, and the old masters of the person who wanted it.

2275. But in the event of his not having any friends, neighbours, relations, or otherwise, it resolves itself into this, that the parish are to give relief, and you say that that parish relief should be given in the shape of in-door relief and not out-door relief?—Then, under the unhappy circumstances of a person who has neither neighbours or friends, nor old masters who recognise their duty, or relatives who will recognise it, I say, having the best interests of the class in view, you will do more good by giving relief in the house than out of it.

2276. I think you are intimate with the various occasions of paupers claiming relief, and I think you have quoted something from the Report of the Royal Commissioners with respect to some return as to the relative number of paupers to population in the City of London, which you have stated as one in 16. Is that calculation made upon the sleeping population of the City of London only?—Of course it is made on the population.

2277. The sleeping population?—Yes; the City of London is so enormously wealthy, and land is so extremely valuable, that most of the so-called poor have had to leave it. The City proper (and I suppose the honourable Member now to refer to the day population) consists exclusively of well-to-do people.

2278. The City of London now?—Yes; the City in the day-time, and still they are unable to provide for the few instances of want among that very sparse population which sleeps in the City, many of whom be it observed are caretakers in the warehouses of these wealthy people.

2279. I may take it that your answer as to one in 16 applies simply to the sleeping population of the City?—Of course, at the time the census was taken, which was at night.

2280. In the same way you say in some other parish it is one in 107 of the sleeping population?—I think that is at Hampstead.

2281. I think you stated it generally over the metropolis as one in 37?—One in 37 by the return.

2282. Is it your opinion that in the City of London at the present moment, there is not a residence for poor people except caretakers of large warehouses?—Undoubtedly there are what would be called poor people; that is to say, there are poor residences inhabited by what is called the poorer classes. I take it what attracts them there are the opportunities for work and pay, never forgetting that some of them are attracted there by the doles and by the “out-door relief,” which is so freely given by the guardians.

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2283. Are you not aware that there are still a number of poor resident in the neighbourhood of what was called Petticoat-lane and is now Middlesex-street, and in that neighbourhood?—Middlesex-street surely runs into Whitechapel; I know Middlesex-street very well; I occasionally go into it; I was not aware that any portion of it was in the City, is that so?

2284. Yes; do you know the streets adjoining that run out of Bishopsgate-street, you may have mistaken the limits of the City?—Yes; Ragfair, Petticoat-lane, the Market, and Houndsditch.

2285. Are you not aware that in other portions of the City there are poor houses and poor people living in them?—Yes; I am bound to say that I am not as well acquainted with the habitations of the poor in the City of London as I should be in Whitechapel and St. George's. There are some poor living down Swan-lane, for instance; there are some houses let out in floors.

2286. I think, therefore, you cannot adhere to the answer that you consider the only poor people in London are caretakers in large premises and warehouses?—I do not think I said they were the only poor, I said they formed part of them.

2287. I think you said "the great majority"?—I should wish to correct it if I did say "the great majority."

2288. Are you aware, as you stated, that the sleeping population is diminishing almost daily in the City of London?—Yes, I believe it is.

2289. And the number of paupers has been diminishing, and is diminishing, in the City of London?—Do you mean the ratio?

2290. The actual numbers?—If the population of the City of London is diminishing, rapidly as paupers form so large a proportion of the population, I presume the number of paupers is diminishing too. I should be curious to see whether the ratio of paupers to the population is diminishing; I hope it is.

2291. Cannot you conceive that while the number of paupers is diminishing, and the number of the sleeping population in the City of those who are not paupers is diminishing of course faster, the ratio may be increasing in the City at the same time that the number of paupers is diminishing?—It may be. I think it not at all improbable.

2292. Are you aware that that has been the case during the last 50 years?—No, I have not made a comparison of the relative proportions of pauperism and independence in the City for the last 40 years. There are returns in the House which I moved for, and which would give the ratios.

2293. Are you aware that up to the year 1853 if you had cut a piece of paper in the form of the City of London, which would just cover it, you could not have placed that piece of paper on any other portion of the Metropolis to include so large a number of poor persons as were then resident in the City of London?—I do not know how the honourable Member measures poverty.

2294. I will say paupers?—That I can quite understand in the City.

2295. And that while the poor rate in the City of London, taken as a whole at the time when we were making the calculations for making this general rate, would have been 1 s. 3 d. in the City of London, upon the whole metropolis it would only have been 1 s. 2½ d.?—The rate in the pound?

2296. Yes?—That would be no guide whatever, because it would depend entirely on the principles on which the assessment of property was made. Is the honourable Member referring now to a period where the Metropolitan Common Fund was in existence, and assessment was on the real rental?

2297. Previous to that?—I do not think that would be any criterion whatever. It would be now. May I say this, I do not wish to be casting any particular reflections on the City of London, and the wealthy people living in it, but I desire to add this, that wherever you find great wealth accumulated you find with it pauperism. When I was in America I never had a person beg for money but on two occasions; one was in Wall-street, New York, among the wealthiest of the Americans, and the other was in St. Louis, in the wealthiest part of the city of St. Louis, which is one of the wealthiest cities in America. I do not want to cast any reflection on the wealthy inhabitants of the City of London; it is a state of things I dare say to be found all over the world.

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2298. What conclusion do you draw from seeing beggars in rich streets?—That the people, being well-to-do, were indifferent about the moral condition of the people, and they gave what they could very well spare.

2299. *Chairman.*] Without inquiry?—With no inquiry whatever.

2300. *Mr. William Lawrence.*] I cannot understand whether your conclusion is that the wealth causes the pauperism?—Certainly, I have said as much in my evidence already. You will find a liberal administration of “out-door” relief at periods when there is commercial prosperity, and you will find it declines as the commercial prosperity declines; it is not a matter of opinion, but a matter that can be demonstrated by statistical returns.

2301. Do you think there should be any conclusion drawn with reference to paupers in the City of London being one in 16 of the sleeping population, and the cost 4s. 4½d. per person of that sleeping population, and the paupers outside the City which you say cost 2½d. per head of the population; do you think there is any parity of argument, or reasoning, or deduction between the two?—I think, if the honourable Member asks me, that it is explainable. The constitution of the board of guardians for the City of London is very remarkable and very singular. Are there not one hundred of them? I am not very clear about that, but I think there are.

2302. Do you think, taking the sleeping population of the City of London as a criterion, the difference between the cost of 4s. 4½d. a head and 2½d. a head is very extravagant?—I should say it was very high; I was going to refer the honourable Member to the tables in the Report of the Royal Commission, which, I think, point to a wasteful application of the poor rate; it is on page 26; the population of the City of London is given as 75,876 persons.

2303. What year is that?—That is the census of 1871; it will serve the honourable Member’s purpose better to take 1871 than 1881, because, probably, the population has dropped.

2304. I would rather have 1882?—We have not got 1882.

2305. It would be much less in 1882 than one in 16?—It might be. I was going to call attention to this, the City of London had a population in 1871 of 75,876, and on the first week in January 1879, the cost of out-door relief in the City was 318l. odd shillings. Well now, take my own parish, if I may call it my own parish, our population is 48,052, and the cost of out-door relief was only 11l. 7s. 2d. It can never be contended that the population of St. George’s-in-the-East, consisting in a very large degree of foreigners and of dock labourers, are a richer population than that of the City of London; still you have that very remarkable comparison of figures, that the relief for 48,000 persons was only 11l. odd in one case, and in the other case it was 138l. for 75,876 persons.

2306. If I understand you correctly, you would limit the right of bequeathing charity to commence with, and have all charities reconsidered after a certain number of years?—It is not unreasonable for the State to impose certain conditions upon bequests. It imposes conditions upon bequests of a private nature, and it does not appear unreasonable to impose them with respect to bequests for public uses. Seeing that we all admit that many charities become obsolete and difficult of application, it was well to give a warning to those who were going to dispose of their property for charitable purposes, that they could only do it under certain statutory conditions, and so get rid of the difficulty of the “pious founder” once and for all.

2307. I think you would apply this to all bequests of any kind, that they should be under certain conditions, and at a certain time; say a certain number of years again taken into consideration?—That might be one of them; what the exact conditions should be, would be more matter for great lawyers and experts to propose than for myself. I only give a general idea, and the general idea is that we should, if possible, put a stop to a state of things which we all admit to be very undesirable, taking up the time of Parliament and the courts of law in an undue measure.

2308. Would you say the same of a person who left a large amount of land as a public park for a town?—Yes, I would not exclude that for a moment.

2309. If it was left for the use of the inhabitants for ever, you would not
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exclude that from being taken into consideration as to whether it would be advisable to build on that park, the land having become valuable, and put the park further out of the town if the inhabitants should think fit?—Certainly; I have that confidence in my fellow-countrymen who are to come after me, that they would act with reason and judgment on such a point.

2310. *Chairman.*] They would not probably build on Hyde Park, and buy land somewhere beyond, I suppose?—I conceive, that of all the people in the world, the most likely to resist any encroachment on Hyde Park would be the democracy. I should not be afraid of their judgment.

2311. *Mr. William Lawrence.*] I wanted to see whether it was a question of limit, or whether, if it was left for a park or for a college, giving education free, or partly free, to the inhabitants of a town, you would bring it all under further consideration?—I think that should all be subject to revision if it was thought well. The condition under which a person made a bequest would the possibility of revision.

2312. Do not you think it would be far simpler if the Bill, brought in as the Public Bill, had said it would be advisable that all the present charities should be swept into one fund, that should be employed in the erection of public buildings, or museums and libraries, or providing open spaces, and have dispensed with all the trouble of the many affairs connected with these charities?—I do not think that would have been prudent drafting.

2313. Would you not like to have seen it done?—Not as a Member of Parliament, and having my name at the back of the Bill.

2314. *Lord Percy.*] With regard to the question that was asked you just now by the honourable Member preceding me, I should like to know whether you would apply the same reasoning to private bequests, or whether you would like them to be subject to revision?—The bequest of property to individuals? I understand it is applied now. First of all, there is the law of mortmain, which interferes with my bequest of real property. Secondly, the law of entail, and I conceive I am in this position now, that I could not leave an estate for those who might bear my name for ever; but that if I wished to leave an estate for ever for those Pell's who had one eye, or were fatuous, or were lame, I might possibly make a bequest of that charitable nature; which appears to me to be a very unwise thing. I do not know whether I am expressing what is the law on that point; I may be all wrong.

2315. Is not there this difference in the two cases, that in the one case you propose that the State should have the power of revision, and the power of deciding the destination of these funds; and in the case of private bequests, the State has not the power of revising the original bequest that is left to private individuals?—The State has not the power of revising an original bequest, unless they can prove that the bequeathor was a madman, or under undue influence at the time he made his will. Here, again, I may be very wrong, but I fancy if I wished to will money to some charitable purpose I must survive my will three years, or else it would not operate. Therefore there are some restrictions of that nature now with regard to bequests for charitable purposes.

2316. The object of my question was this, to ascertain whether it was not the fact that you intended to give the State the power of revising public bequests, although you are unwilling that the State should have the power of revising private bequests?—Well, I suppose the State is always revising, and I think Lord Cairns is at the present moment revising private bequests, and the House of Lords is modifying the conditions under which the devolution of property goes.

2317. Surely that is the general law, and not the original bequests?—I do not think one could justify the State revising private bequests made for a person's descendants or friends or relations. You cannot put those bequests on the same footing that you do bequests made for public purposes, because the mischief arising out of the idea of permanency with regard to bequests for public objects is so much larger than that which comes in question where there is only a private individual concerned. For instance, if a man chooses to provide by
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his will that his son should always have a bottle of champagne put on his table at dinner, and that he should drink part of it, who cares if the son does drink himself to death; but if the will provided that in a certain parish there was to be a distribution of gin, although it might be wanted during a time of fever when the bequeathor made the will, one can see that the State might very fairly revise in the one case, and have a justification for doing so, and not in the other.

2318. I wanted to ask you with regard to the constitution of the temporary Commission under the two Bills which we have before us. I think I understood you to say that the constitution of the Commission under the Public Bill would be of a more liberal character?—It would be more in accordance with the general tone of the time; the general view taken, I think, by those who have considered the question of charities, than you would be likely to find amongst the Commission constituted under the Private Bill, as far as I gather it from this memorandum.

2319. Would you tell me the exact point of difference between the two that you think would have that effect?—The Crown has only the appointment of two Commissioners out of five; that is a minority under the Private Bill. Then two others are to be nominated by the Promoters of the Bill, I suppose, subject to supervision in Parliament, and I imagine that as to those two there would be an effort made to nominate two who would represent City views. Then the fifth is to come from the City of London, and therefore the view of that Commission would be in harmony with those who brought in the Private Bill.

2320. It amounts to this, that you think the supervision of Parliament over the insertion of the two names in these blank spaces that are left would not be such as to secure their being of independent character?—I think so. You do not get as much security for having Commissioners of independent character as you do under our Bill by which the Crown appoints the three Commissioners.

2321. Then with regard to the constitution of the new governing body. I think I understand you to say, in reply to the Right honourable gentleman, the Member for Surrey, that the Royal Commission merely intended to sketch out a constitution for the governing body, and did not bind themselves to any exact constitution?—That is so.

2322. But is it not the fact that the Public Bill differs very essentially and radically from the Report of the Royal Commission?—The Public Bill does differ undoubtedly from the suggestion of the Royal Commission in the print of the Report.

2323. Are you prepared to say that the Commission, as constituted by the Public Bill, represents that which the majority of the Royal Commission would have wished if they had had time to go into the subject more thoroughly?—I could not say that. I do not desire to evade the question in any way, but I really could not say that. We have no record of the discussions that took place amongst the Commission in the room.

2324. The fact remains, does it not, that whereas the Report of the Royal Commission gave a large share of representation to the representatives of the trustees of the City, the new governing body by the Public Bill almost entirely excludes the City?—The Public Bill undoubtedly goes further in that direction than the Commission reported.

2325. Could you say that was an essential point?—On the whole I prefer the Commission as sketched out in the Public Bill to that which is contained in the Report of the Royal Commission. The temporary Commission they recommended was to be paid from the City charities, and to consist of three persons, one, if possible, to be a member of the staff of the Charity Commissioners.

2326. Am I right in assuming on the whole from your evidence that you think the best thing that could be done with these funds would be to sink them as capital altogether in some public institution, or something of that sort, and to trust to voluntary support for all eleemosynary objects?—Well, I do not say the whole of them, but as to a very large portion of them, I should be glad to see the capital crystalised. I think there is room for it. I think, that looking

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at the enormous value of land in London, and the way in which it is increasing, not only in the East but in the West, where three or four great governing families hold the whole of the real property, we could very usefully apply a large portion of the capital in getting hold of land for open places, and possibly for buildings.

2327. And you think that object would be effected by the Public Bill which is now before us?—No, I do not say that; that is only one of the objects proposed.

2328. The main object?—Is it the main object; I do not think it is quite the main object.

2329. *Chairman.*] One of the important objects?—It is a very important one.

2330. *Mr. Horace Davey.*] The answer to the question which the noble Lord has just asked you expresses your own opinion as to the use of charitable funds generally?—Yes.

2331. You do not mean to say that this Bill is framed in entire accordance, or for the purpose of carrying out that private opinion of yours?—No, I should be very sorry to advance it generally.

2332. With regard to this governing body, have you looked at Section 42 of the Public Bill; I think there are 17 members proposed, are there not?—Yes.

2333. Do you think, looking at the way in which it is proposed, those 17 members should be elected, they are fairly representative of the different interests involved?—Yes, I think they are. It was a clause in the Bill which I considered before it was printed.

2334. Can you suggest any better mode of getting a fair representation of the different interests involved?—No; no other occurs to my mind. I dare say this is not a perfect one.

2335. Unfortunately there are very few things that are perfect?—We thought that was the best one we could submit to Parliament.

2336. Have you ever considered the question as to the comparative merits of a large or a small working governing body?—Yes.

2337. Should you consider a governing body consisting of 50 members, or a governing body consisting of 17 members, for practical purposes of administration, preferable?—I would rather form myself one of 17 than one of 50; that is to say, if I intended to do any work; to be a working member of the governing body.

2338. I think you said that with a governing body of 50, you would anticipate, it would practically fall into the hands of a small number?—I think the regular action would very likely be interfered with by the occasional invasion of 30 or 40 members.

2339. Who did not generally take an interest in it?—Who did not generally attend, but who would be what they call “handled outside;” that is a very common thing.

2340. Was your attention directed when you were sitting on this Rural Commission to the question whether certain property was not now employed as ecclesiastical charity, which was not so, in fact?—Yes.

2341. I see that you approved of the memorandum of Sir Farrer Herschell?—Yes; there was a case I cited just now, when you were out of the room, of St. Mary, Aldermanry, in which there seems to have been an application of property to ecclesiastical purposes for want of knowing exactly what to do with it, or what the original disposition was.

2342. St. Mary, Aldermanry, you gave as an example?—I think that is the one I cited. There are frequent examples of it in the evidence.

2343. Did you find frequent examples in the evidence of property being applied to ecclesiastical purposes, simply because there was nothing else to do with it?—Yes; and where the origin was questionable. The church was there, the churchwardens were there, and there was an object to which to apply the funds, and perhaps there were no poor at all in the parish.

2344. Not

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2344. Not because it was a charity which was given for ecclesiastical purposes, if I understand you rightly, but because they had no other objects at hand to which to apply it?—It might have been given; but there was no proof that it had been so given, except that of user.

2345. Have you refreshed your memory by referring to this memorandum, on page 13 of the Commissioners' Report, of Sir Farrer Herschell, to which I see you add the words, "I agree with the above"?—Yes, I have.

2346. And you still adhere to the views expressed in that memorandum?—Yes; I think when Sir Farrer Herschell drew that memorandum to which I have added my name, there was nothing in it, certainly, in the first paragraph that was not entirely consistent with the administration of law, as we have it now, and, therefore, as a Conservative, I could not be putting my name to anything that was very questionable from that point of view.

2347. You would not be disposed to make the mere fact of user conclusive as to the ecclesiastical character of the charity?—Well, no, I do not think you should, not the mere fact. Of course it is very weighty as evidence.

2348. And you feel perfectly justified as a Conservative in saying that; you do not consider that a questionable proposition?—Not at all.

2349. Nor any of the propositions which you have offered to the Committee, would you consider in the least degree inconsistent with Conservatism?—No, quite consistent with the sanctity of property and the preservation of it.

2350. I see you offered a memorandum, which is on page 15, in which you suggest, "I am of opinion that this surplus in each case should be brought into a common fund, and administered by a newly created authority for the general benefit of the metropolitan poor"?—With very important limitations you will observe, "That the fund should be so applied as to encourage any legitimate effort which the poorer classes may be themselves now or hereafter making to meet the wants and attain the objects which the founders of these charities had in view, where these may be in harmony with the conditions of society in modern times." Not to take the place of effort, not to supplant effort.

2351. I quite understand that; would it not be one of the advantages of uniting these charities under one governing body that they would be applied according to some uniform system, so that the purposes might not overlap?—I think that would be clearly an advantage.

2352. And so that, instead of a number of small, or comparatively speaking, small charities, being applied by persons who are not in concert with each other, they should be applied on some uniform plan so as to produce some public benefit?—Yes, and I think the plan would be more likely to receive full consideration, and would be better framed at the hands of a body who felt the enormous responsibility that was placed with them in administering for the whole of the metropolis.

2353. Mr. *Lewis Fry*.] One question, as regards the new governing body; you are aware that the Private Bill proposes that a large proportion of the new governing body should be elected by the various wards in the City by those who are elective of common councilmen; I should like to ask your opinion upon that mode of election?—I should think that would be likely to continue a great deal of that which those who prepared the Public Bill desire to put a stop to in the administration.

2354. The Royal Commission propose some mode of what you may call popular election; 15 members are to be elected from the representatives of various City parishes by the electors on the Parliamentary Register; that is at page 11 of the Report of the Royal Commission?—Yes. I remember we had that point before us: "Fifteen members chosen by ballot from the representatives of the City parishes, such representatives being elected annually in the proportion of one to each parish by the electors on the Parliamentary registry."

2355. That you do not approve of?—We have not got in the Bill.

2356. Sir *Thomas Acland*.] You have not said anything about education; have you any remark to make on the subject of endowing exhibitions for technical education?—No, I have nothing much to say about that. Perhaps my views about technical education are rather old-fashioned. I can conceive no

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education so good as the education that is got by the young learner in the shop under the master or under the foreman. I am not talking of schools of design or schools of art. Design might be better taught in a technical school than anywhere else.

2357. Should you think it desirable to employ any large portion of those funds for educational exhibitions?—That was not in the minds of the Commissioners I think at the time they were considering the Report. A provision is made for education now out of the rates by the School Board in the Metropolis, at all events. That is done for the poorer classes by a public fund which is always at hand, which was intended to be done in many instances by these private benefactors, and the establishment of the School Board has made it very difficult to give an opinion about the application of these funds for education. I do not see how you can possibly apply these funds without relieving the rate. There appears to be a desire on the part of many persons to reconcile the furnishing education out of these charitable funds without at the same time relieving the ratepayer of the charge which is imposed on him for education. I do not see anything so very grievous myself in relieving the ratepayers upon such a point as education. I do not see how you can avoid it.

2358. *Chairman.*] I understand the scheme of the Public Bill to be the extinction of all the separate trustees and separate charities in all the City parishes except five?—Except those in the first schedule.

2359. And I think I have counted that there are something like 1,085 separate charities in the City, exclusive of those five parishes?—I daresay there are.

2360. A very large number, at all events?—Yes.

2361. Supposing it were proved to the Commission that some of those charities were really doing good work, do you think it would be possible to give the Commission permission to leave any individual charities of that kind subsisting, with perhaps an enlargement of their functions, and with perhaps a new body of trustees?—With a separate body of trustees?

2362. Yes?—Not at all under the control of the new governing body?

2363. Yes; leaving separate charities, which I will assume are doing good work, if there are such cases?—That is a question I have not considered; but I suppose you have in your mind some of the larger charities.

2364. Yes. Supposing, in the five parishes which are excluded from the operation of this Bill, there are charities managed by trustees really doing such work as ought not to be extinguished, do you think it would be desirable to leave them to their separate existence?—I should like to wait until I saw those charities scheduled, and possibly, in the House, there would be an amendment specifying what charities were entitled to separate existence.

2365. Apart from scheduling those charities, which would involve enquiry on our part, would it not be possible to give to the Temporary Commission to be appointed, the power, if they thought fit, and if it was proved to them that any of those charities were doing good work of leaving them their separate existence?—For ever.

2366. Subject to the control hereafter which the Charity Commissioners have now?—The Temporary Commission, be it observed, is to expire. There would be no more surveillance.

2367. The Temporary Commission is merely to collect the funds and decide on the scheme, and then hand over the thing to the permanent Commission. What I suggest is this, whether it would be well to leave to the temporary Commission the power of saying that some of these charities should continue to have a separate existence?—One is always disinclined to interfere with good work, but on the whole, I do not speak confidently about it, I should not like to make the exception, I think.

2368. Of course, you understand the power of resistance of the trustees of the enormous number of charities?—Yes.

2369. It occurred to me whether it would not ease it off a little if you gave a *locus penitentæ* in the case of those really carrying on good work?—At the present time there are greater difficulties in the way of Parliamentary progress than what we shall meet with in the resistance of the trustees.

2370. Have

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2370. Have you made any estimate yourself as to what the income of the final commission will be?—The income they will have to administer; ecclesiastical and eleemosynary together?

2371. Yes?—It is difficult to say what it is at the present day, but we took it at something like 115,000 *l.* No doubt it has enormously increased.

2372. Ecclesiastical as well as secular?—Ecclesiastical and eleemosynary together; apart from some as to which it might be questionable whether they were parish property or property coming under the character of charitable trusts. I think when we were appointed it was reckoned at 101,000 *l.*, and it has increased to about 117,000 *l.*

2373. That includes ecclesiastical objects as well as secular?—Yes.

2374. Can you tell what the proportion is?—Yes, that is given in the Report. Mr. Cubitt will very likely recollect that.

2375. Mr. Bryce.] I do not think it is given?—I think it is in Lord Robert Montagu's Return, but if you will permit me I will look that out and put it in if stated in the Report.

Mr. Cubitt.] I do not think we did divide it.

2376. Chairman.] According to the scheme of the Public Bill, at all events, they will have a very large fund to deal with?—Very large. It is impossible to say what it will be at the time the Bill passes. It is increasing every day rapidly.

2377. It seems to me whether it is not a fund so large that it is almost too big for any single body of men to deal with by way of charity. Have you considered whether it would be possible to break it up so as to give greater power of supervision over so large a fund?—No, I have not considered that.

2378. Supposing a central board of management, with 60,000 *l.* or 70,000 *l.* to deal with in the way of charity, it seems to me rather a formidable task for any one body of trustees?—It is an enormous sum.

2379. Would it not be possible to break it up so that there might be greater supervision over it. However, you have not considered it?—No.

2380. Mr. Horace Davey.] You will find the table you want on page 20 of the Report. I think the gross income in 1876 was 101,380 *l.*?—But that does not separate the ecclesiastical and the secular.

2381. Mr. Bryce.] With regard to the last question the Chairman put to you about the administration of this very large income, I suppose it would be part of your view that the income would be considerably diminished by sinking the capital in parks and open spaces, and so forth?—It would, undoubtedly.

2382. And you think it is desirable to sink a great deal of the capital in that way?—Yes, I think so; I must observe, not entirely with a view of getting rid of the capital, but because I believe there is a splendid opportunity for the use of such capital now, and that it would be an economical use of it, and in even five, six, or ten years, the difficulty of getting open spaces would be very much increased, and the cost as well.

2383. Chairman.] Would assistance to such a scheme as Paddington Park come within the purview of the application?—I have seen a great deal about Paddington Park in the newspapers recently, and I conceive the application to a park for Paddington would be a very fair object. To plant the vacant space at Smithfield with trees and adorn it with gardens would be a very great embellishment to the City.

2384. Mr. Walter James.] Or Lincoln's Inn Fields?—Yes.

2385. Mr. Bryce.] Would the maintenance of any historical building be within your idea?—Certainly, I should be most warm in applying money for that purpose.

2386. There was one question put to you by Mr. Davey about the advantage of administering the charity funds on uniform principles. Would that advantage which you expect from uniform application apply within the City to such existing purposes as are still beneficial, as well as without?—I think it would.

2387. With regard to the questions put to you by Mr. Alderman Lawrence, as to out-door relief, I suppose you intended, in answering his questions, to take out-door relief as meaning out-door relief by poor law authorities?—Certainly, not home relief by private individuals.

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2388. Not voluntary charity given by private individuals?—No; I thought I had guarded myself there by saying I did not consider that to be a humane administration of the poor law which was represented by the guardians saying to a person, you shall have no “out-door relief,” and go about your business. I should consider the guardians who acted in that way had no sense of their proper duty.

2389. Mr. *William Lawrence*.] I understand upon that question of out-door relief you are of opinion that there should be no out-door relief administered by the parish authorities?—I certainly think that the authorities which give no “out-door relief” are exercising a wiser administration of the poor law than those who do, and a better one for themselves, quite as much as for the people. Now I am on the subject, because one may be misrepresented as to the views that one holds, may I say that, as a guardian of St. Georges-in-the-East, and with another who acts with me, we are in the habit of visiting the courts in the poorest and worst places, not with a view of giving away, so much, as with a view of seeing whether the sanitary authority is doing its duty, whether the people are aware of how they can get justice at the hands of the vestry if their drains are out of order, or their houses in improper condition; and I say, that our doing that is the result of having stopped “out-door relief,” and feeling more keenly the responsibilities thrown on us, which we have no right to shift or to forget. I want the Committee clearly to understand that.

2390. Mr. *Talbot*.] Just one question on the matter of pensions. Your objection is to pensions under the poor law in any sense; but you do not object; on the contrary, you are an active promoter of a pension scheme under voluntary management?—Most certainly, and no person has ever worked for me, either as domestic servant or in any other capacity, who has done his duty by me that I have not recognised the claim to provide for him in old age if he deserves it.

2391. Would you see any objection to a well-considered pension scheme to be carefully applied by a public body taking advantage of some of these large charity funds?—Well, it would be open to this objection, that people would calculate upon it, and they would so trim their sails, and so adjust their industrial occupations, on the calculation that they would get this help at the end for a certainty, which, I think, would on the whole be mischievous.

2392. I am not saying whether I agree with them or not, but I was imagining a state of things in which a public body would take the same precautions that you and your private friends take in this matter in the East-end?—If they could; and you could expect that of them.

2393. I know the poor law is very carefully administered by relief committees now, and there might be a public body answering to one of those relief committees to use these funds for that purpose?—There might be.

2394. If that could be devised, then you would not see any objection to using these charity funds for those purposes?—No; and I can conceive these charity funds being used in such cases, as for the insane, or in cases of persons of poor or moderate means, who would be absolutely brought within the pauper class if insanity were to break out amongst their children. I can conceive you might fairly apply the money there.

2395. You would admit that the *cy pres* doctrine of the Court of Chancery would rather point to our first finding out some schemes of that kind rather than going off into open spaces?—I do not know about open spaces. I suppose that would come within the *cy pres* doctrine as to health.

2396. It is rather remote?—I think you would get more out of an open space than out of a druggist's shop.

2397-8. I am in favour of open spaces, but it must be a long way from the intention of the founders to provide open spaces for the people?—I was thinking of some of those bequests. I suppose it would. They never appear to have contemplated anything of the sort. London was small then.

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Cross-examined by Mr. *Claude Baggallay*.

2399. I believe that you stated just now you had not seen the Private Bill, and had only gained your information of the contents of the Private Bill from the memorandum?—That is so.

2400. The memorandum, I observe, does not mention one particular point on which the Private Bill follows the recommendation of the Royal Commission, and that is in paragraph 2, page 3, of the memorandum, giving the constitution of the Commission. Now, the Private Bill provides that one of the two persons appointed by Her Majesty should be one of the Charity Commissioners?—They give the appointment of two only to Her Majesty in the Private Bill.

2401. But clause 2 in the Private Bill, which gives power to appoint Commissioners, provides that one of the Commissioners appointed by Her Majesty should be a member of the Charity Commission?—Then it is not fully set forth in the memorandum. I was not aware of that. So far it is in conformity with the recommendation of the Commission.

2402. That is what I want to ascertain, and so far it goes nearer to the Report of the Royal Commission than the Public Bill?—It touches the same point, undoubtedly.

2403. Do you find in the Public Bill any provision for the appointment of a member of the staff of the Charity Commission?—No; none whatever.

2404. Therefore the Public Bill goes wider from the Report of the Royal Commission than the Private Bill does?—The Private Bill has one point in common with the recommendation of the Royal Commission.

2405. I only want that point?—Undoubtedly it has one point in common amongst many that I take it are at variance with the views of the Royal Commission.

2406. By one of the points at variance, I suppose you refer to the number?—The number would be one.

2407. The five Commissioners appointed by the one Bill, and the three by the other, the three being the number recommended by the Royal Commission. Now you said, in answer to the noble Lord, the Member for Northumberland, just now, that the Public Bill provided for a more liberal constitution of the Commission, and I think I understand you rightly, you will correct me if I am wrong, that what you meant by liberal, was that you would get a legal element or a more general element from a body appointed by the Crown than a body part of which was appointed by Parliament?—I do not think I have given that evidence upon examination, but a question was put to me whether I thought it was not desirable that one member of the Commission should be a legal gentleman, to which I said, I thought undoubtedly he should; one of the three.

2408. Supposing two members of the Commission were legal gentlemen, two out of five, would that be more consistent with your view as to how the Commission should be constituted?—Two out of five would be a little stronger than one out of three, and give a larger proportion of the legal element.

2409. And therefore would more meet your view?—No. I think one legal gentleman out of three Commissioners would be sufficient, if he was an eminent one.

2410. But supposing there were two out of five, do you think that the confidence inspired by the Commission would be greater than if there were three Commissioners, one of them a Charity Commissioner, and only one a legal member?—No, I do not think my confidence would be stronger in them. I should look more to the man that was appointed. If a first-rate equity lawyer was appointed for the one Commissioner among three, I think that is all I should care to see of the legal element on the Commission.

2411. You do not think that appeals would be more likely to be checked by reason of there being five Commissioners, than if there were only three?—I cannot see why they should myself.

2412. You do not think that a large court, so to speak, gives a stronger judgment?

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judgment?—No, I do not think it would. I think that if there were five Commissioners there would be a give-and-take amongst them, and you would get a good deal of water put with the milk.

2413. Then I suppose the principle upon which courts of appeal are constituted, is wrong?—I do not know the principle upon which they are constituted myself. I am merely giving my opinion upon this particular suggestion, that I think three Commissioners would be sufficient, and if one of them was a first-rate Equity lawyer, the public would be very well satisfied with the Commission, and that you would not do anything to satisfy the best portion of public opinion by having five Commissioners, the fifth being appointed by the Corporation of the City of London.

2414. But the duties imposed upon these Commissioners by both bills are of a *quasi* judicial character, are they not?—They are, undoubtedly.

2415. You will not know about our Private Bill, but the duties under the Public Bill are *quasi* judicial. There are legal points to be considered by them as to the objects of charities, and so forth?—Yes, and the discrimination between the character of the charities, I suppose; whether they are ecclesiastical or eleemosynary; but I think the memorandum goes on to point out the difference between the Commissions, does it not.

2416. It deals very fully and fairly, I must say, with the whole matter, but still I wanted to ask you whether it is not the fact, that the Commission will have to deal to a very great extent with matters which are almost of a legal character?—In scrutinising and marshalling the charities?

2417. Yes, and finding how far they are now being applied to the uses to which they were originally intended to be given; what are legal purposes now; and in fact, I find a paragraph in the Royal Commission Report, where it is recommended that some legal decision should be given on the subject?—But this Commission would not be charged with the review of the treatment the charities would have had at the hands of the existing trustees. All that they have got to do, and the principal thing is to settle what are eleemosynary charities and what are ecclesiastical, and to hand the charge of one over to one body, the Ecclesiastical Commissioners, and the charge of the other over to the governing body.

2418-19. Look at page 6 of the Royal Commission, four lines from the bottom. You will recollect what is recited before: "It is desirable, in our opinion, that these statements should be submitted to closer legal investigation." That is as to a variety of matters which are mentioned?—Just so. Whether some have not been purchased out of parochial rates and so on.

2420. Those really entail a *quasi* judicial function upon the new Commission?—Certainly they do, but not such as could not be discharged, I think, by one legal Commissioner.

2421. That being so, do not you think a Commission of five, two of whom are lawyers, would be much stronger, give greater confidence, and check appeals more effectually than a Commission of which there were only three members and only one legal?—My answer to that must be that a Commission of four, with two of them lawyers, perhaps, might satisfy the public opinion better, but I do not think that the five, with two of them lawyers, would be as desirable as three with one; but I really cannot pretend to any judgment or opinion that would be worth very much on that subject; I prefer the smaller number with one lawyer.

Chairman.] Mr. Pell has already expressed his opinion; I think it is now matter for argument, and I do not see that you can extract any more from him.

2422. *Mr. Claude Baggallay.*] Now you gave some evidence in answer to the question of the honourable Member for the Tower Hamlets with regard to doles, and so forth. I suppose that evidence was directed rather with a view of showing that legislation is necessary than discriminating between the two Bills?—Yes, undoubtedly legislation is necessary, because schemes have not been generally applied for in the City to get rid of these objectionable features; but then on the

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the other hand, one must bear in mind that those who like myself have promoted the Public Bill, feel there is a greater chance of this dole mischief being done away with under the Public Bill than under the private one.

2423. Now with regard to the number of the new governing body; I think you stated that it would be unmanageable if it consisted of 50 members?—My own experience leads me to believe that when you get a body of people administering charities, or any public money so numerous, it does not work very well; and as far as I see of the modern schemes that the Charity Commissioners are sanctioning, the trustees are rather, I think, limited in number, and conditions are put by which they drop out of the trust if they do not attend once within a certain number of years at least. There is nothing, I think, in the Private Bill, or at least nothing in the memorandum, that shows that the careless members of the governing body are to be got rid of.

2424. But there are large bodies which work very well, are there not. For instance, the Metropolitan Board of Works and the School Board. They work very well with very large numbers, do not they?—The Metropolitan Board of Works I do not know anything about, excepting that I have to pay the rates for it as a Londoner, but as to the Metropolitan Asylums Board, which is a large Board, the conduct of that Board and its economy is very much questioned by the public.

2425. The economy of it; but I suppose it is hardly an unmanageable body?—I do not think it is an unmanageable body, and its meetings are very fairly well attended; but it has enormous interests in charge, and it would be very discreditable if the attendance were not good.

2426. I suppose you are not aware that it was suggested by Mr. Littler, on behalf of the Private Bill, that the Promoters of that Bill were not in any way pledged to the number or constitution of the new governing body?—I was not aware of that.

Chairman.] That is a matter of observation to the Committee.

2427. *Mr. Claude Baggallay.*] I was not going to ask another question upon that. (To the *Witness*.) Now, with regard to the pensions, I suppose it is purely a question of how far proper safeguards are introduced as to whether they are really an evil or not, or may not be good?—Yes, I take it it would be. If there were proper and very strict conditions attached to them, they would be less mischievous than if they could be calculated on without any checks and safeguards.

2428. You have no inherent objection to giving pensions to reduced professional men, merchants, tradesmen, and others?—

Chairman.] I understood him to say he had.

Mr. Claude Baggallay.] I beg pardon; but the bulk of the evidence that was given it was absolutely impossible to hear on this side of the table, and I am obliged to ask many questions now which I should not have been obliged to ask if I had been able to hear.

What I said was this, with regard to pensions for reduced professional men, that I thought a scheme that was to secure pensions to reduced professional men who had practiced in the City would not be of advantage to the City, because professional men usually arrive at reduced circumstances through incompetency; and that it could not be of advantage to any locality to encourage such a class of persons within their borders. Then, on the other hand, if the pensions were to be given to reduced professional men who might have come from the outside, then I think the pensions under those circumstances would be mischievous, and would be attracting within the City, or to some locality or other where the pensions were given, a class of persons you would not very much care to get together. On the other hand, I do not know why professional men should not enjoy some of the pensions if the terms of the trust permitted it, but I think the terms of these trusts were, most of them, that the pensions were to go to the working classes.

2429. You understood, I suppose, that the proposal of the Private Bill is
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only with regard to persons resident within the Metropolis; it is not with regard to persons resident within the City, but it is the Metropolis generally?—I cannot speak to that, because I have not seen the Private Bill, but I should then ask what was meant by resident within the area of the Metropolis; do you mean having a legal settlement there.

2430. The words are, "To the providing pensions for reduced professional men, merchants, tradesmen, and others resident within the Metropolis, their wives or widows, under suitable restrictions as to age and other qualifications." I only ask because I thought it possible you might have been under a misapprehension, and that you thought it was for persons resident within the City, and not within the Metropolis?—I had got the idea of the City in my head at one time, but I see it is within the Metropolis.

2431. Does that in any way affect your evidence on the question?—I do not think it does very much; I do not think it an advantageous or judicious proposal.

Mr. *Ernest Law.*] I have a few questions to ask on behalf of the Corporation.

Chairman.] What is the nature of them?

Mr. *Ernest Law.*] I do not want to press them particularly; but there are one or two points.

Chairman.] What are the special points?

Mr. *Ernest Law.*] With regard to the representative character of the governing body, and the representative character of the Commission.

Chairman.] I do not want to stop you; but I think we have heard enough from Mr. Baggallay on that point.

[The Witness withdrew.]

Mr. *Beechcroft.*] Before the next witness is called, might I be allowed to ask a question on behalf of the Governors of Christ's Hospital. I submitted a short time back a statement of their views with regard to the Public Bill with certain clauses, and, if I am not out of order, I should venture to ask whether the Committee would be disposed to entertain those clauses, and, if not, whether I should be allowed an opportunity later on, supposing the Public Bill be the one proceeded with, of supporting the views represented by the Governors in those clauses.

Chairman.] You do not object to the Preamble?

Mr. *Beechcroft.*] I do not.

Chairman.] The Committee will give you an opportunity later on of being heard.

Right Honourable Sir *Seymour Fitzgerald*, G.C.S.I., sworn; and Examined.

2432. *Chairman.*] You are the Chief Commissioner of the Charity Commission?—I am.

2433. I think you gave evidence before the Royal Commission on this subject?—I did.

2434. We will not travel over the same ground again, but I may put this question to you. Have the Charity Commission, under their present powers, the means of dealing with so large a subject as the charities of the City of London?—We have not power to deal with the charities of the City of London, unless we have applications from the trustees of the charities that desire new schemes.

2435. You have no power of initiating proceedings on your own part?—No.

2436. You must be set in motion by the trustees or by petition?—Yes, but the same difficulty that we find with regard to the charities of the City of London we find generally in reference to charities all over the country.

2437. And I suppose that each individual case must be dealt with on its own merits, and you cannot consider the enlargement of any charity to other parishes, or deal in a general way with a vast number of charities?—We have

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no power at present, if I understand the question you put to me, to unite charities in different parishes.

2438. Have you considered the two Bills now before the Committee?—I do not say that I have minutely studied them, but I have read them sufficiently to have formed an opinion upon them.

2439. You understand that both of them propose, in the first instance, to establish Commissions of enquiry into the charities of the City of London?—Yes, one of five and the other of three members.

2440. The question I have to ask is whether the Executive Commission of which you are the Chief Commissioner has the machinery for undertaking that work?—I think so. You will allow me to say, of course, that it depends very much upon the object with which the appointment of this new Commission is to be made. Ordinarily, we should have perfect facilities for dealing with the charities of the City of London as from time to time applications were made to us, or as we might consider necessary if power is given to act upon our own initiation; but if it is desired that there should be a rapid dealing with the charities of the City of London, say that it should be completed in three or four years, as is suggested by these Bills, then, of course, it would be necessary that there should be an increase of staff to enable us to do such duty within a limited period.

2441. I understand you to say this, that you have the machinery to deal with it, but if great rapidity is required you have not sufficient staff?—The machinery would be the same whether it be for charities in the City of London or charities in any other part of England.

2442. Supposing it were desirable to proceed in the direction of the Public Bill, and within a limited period of years, say three or four years, to deal with the whole of these charities, would it be necessary to add considerably to your staff for that purpose?—It would be necessary certainly to increase our staff, but I do not think it would be necessary to increase it to the extent contemplated either by the Public Bill or the Private Bill.

2443. What should you propose if that course were adopted?—I conceive that it would not be necessary to increase materially the number of Commissioners. Probably it would be desirable to increase the number of Commissioners, say, by one, as long as the preliminary inquiries were going on. For the purpose of those preliminary inquiries it would be necessary to increase our staff of inspectors or assistant commissioners, in order to enable the full investigation of these numerous charities in the City to be effected in the short period contemplated by the Act.

2444. Have you formed any opinion as to the additional number of inspectors or sub-commissioners that would be necessary for the purpose?—Well, I should have liked before giving an opinion upon that, to have consulted my colleagues upon that particular point; but I should say from three to four would enable us perfectly to carry out the inquiries, and I conceive that a similar or even a larger number would be requisite in the case of any new Commission that was established.

2445. Then I gather from you that you contemplate that an executive commission appointed under the Public Bill would not, itself, undertake the minute and detailed examination into each of these charities, but for that purpose they would employ inspectors or sub-commissioners similar to your own?—I should conceive that that would be the method of proceeding under the Public Bill.

2446. And if the Charity Commission was substituted for the Executive Commission of the Bills, you would, yourself, conduct the detailed examination through an inspector or sub-commissioner?—Certainly, we should do that in reference to the charities of the City of London, which we do in reference to any other charity we may think it desirable to inquire into.

2447. You would have a detailed report of each separate charity laid before you and then the wider question of policy would be dealt with by the Chief Commissioner?—I do not say by the Chief Commissioner, but by the Board.

2448. For that purpose you think an additional Commissioner would be sufficient?—Would be sufficient as long as the enquiries were going on, because

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as I take it, that enquiry would show the Commission the position of each of these small charities, and would enable the Commission to judge how far the trusts of those charities should be altered, and how far various charities should be united together for the purposes of a new scheme.

2449. But you state so long as the enquiry was going on; do you contemplate when the enquiry is finished, and when it becomes a question of how to deal ultimately with the funds, that you would require an additional number of Commissioners?—I should say then certainly it would be requisite in order to deal with the mass of information that the Sub-Commissioners would have obtained, to strengthen the number of Commissioners, to enable them satisfactorily to deal with it.

2450. How many additional Commissioners would you then appoint?—I should think two, not two additional, but one more.

2451. Two in addition to the one?—Two, including the one that I have already named.

2452. Would those be appointed permanently, or only for a time?—I think it would not be necessary to appoint them permanently.

2453. And with that additional staff, in how long a time, if you can form an opinion, would this whole subject be dealt with by your Commission?—In mentioning the assistance which I have named, I contemplate it being carried out within the same period as it would be effected in under the Public Bill. Of course, as soon as the enquiries are over and schemes have been framed on the basis of the information they obtained, I think the Charity Commission could deal with the charities of the City of London without any increase of staff whatever. The number of charities that we have under us at the present time is about 37,000, and the income of those charities amounts at the present time, I should say, at least to two millions and a half, and the addition of the charities of the City of London, with an income at the present time of about 115,000*l.* a year, would be a very small addition in comparison.

2454. When you speak of these charities being under you, do you mean that their funds are vested in the official trustee?—No; I mean that the charities of the City of London are subject to our jurisdiction exactly in the same way as the charities all over the country. The difficulty, of course, in dealing with them, is that there is an unwillingness to make any application for an improved administration.

2455. But you spoke of charities to the extent of two and a-half millions being under you?—I mean that they are the charities over which your jurisdiction extends.

2456. Then in point of fact the City of London charities are under you just as those others you speak of?—Certainly.

2457. A great deal has been said before this Committee with regard to the vesting of the funds of the charities in the official trustee. Would you explain to the Committee what is the legal effect of that so far as you understand it?—The legal effect of it is best understood from the exact words of the Act of Parliament. He is a bare trustee. He can interfere in no way with the application or administration of the income. The administration of the income remains in the hands of the trustees exactly in the same manner and just as much subject to our control and no more than if the property had been still vested in the trustees.

2458. Then, in your opinion, the fears which Mr. Freshfield entertains upon this subject are without foundation, namely, the fear of interference with their administration by the official trustee or by the Charity Commissioners?—There is no possible power, either in the official trustee or in the Charity Commissioners, to interfere with the management, always supposing that the management is proper and regular. If they venture upon illegal administration, of course, then we might interfere by certifying the case to the Attorney-General.

2459. You have no greater power of interfering than where the funds are not vested in you?—None whatever. They are subject to our control to the same degree and in the same manner, and in no other way whatever.

2460. Then what, in your opinion, is the benefit derived from vesting the funds in the official trustee?—As regards landed estates, upon the appointment
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in the ordinary way of new trustees by a deed, there is required a new assignment and a new conveyance of all the landed property belonging to the charity that is altogether unnecessary from the legal estate being in the hands of the official trustee.

2461. The official trustees is a continuing personage, as it were?—Yes.

2462. And there is no question as to devolution?—None, whatever.

2463. Mr. *Horace Davey*.] He is a perpetual corporation, is he not?—Yes.

2464. And it would require the appointment of new trustees in most cases; you said a new assignment and conveyance?—Upon the appointment of new trustees, if the legal estate is in them, of course there would be required a new conveyance of all the property belonging to the charity.

2465. *Chairman*.] Have you in your experience dealt with any collection of charities like those of the City of London together in any general scheme in any other town?—No; we are obliged then to do exactly as we are bound in the City of London, to act upon an application of trustees made to us for a new scheme.

2466. Then, practically, you have no power of dealing with any considerable number of charities affecting one place together, so as to make one homogeneous scheme?—We should require the same power to be given to us as would be given to the new Commission established under Mr. Bryce's Bill.

2467. In any such case as that you would have to be set in motion by the trustees of each separate charity?—At present we should.

2468. Then I need hardly say that some general Bill is necessary for the purpose of enabling either you or the executive Commission to deal with these charities as a whole?—To deal with the charities of the City of London; but the same difficulties that occur to us in the City of London, occur every day almost in our experience in other parts of the country, and it is a general rule, I think, that the more a charity needs a new scheme, the greater is almost the certainty that we shall not receive an application for it.

2469. In those very cases the trustees are unwilling to apply?—In a great many instances. I may give you as an instance a case which has lately come under my notice in an important borough. There had been an endowed schools scheme for the schools in that borough. It was found that the schools were getting into embarrassments from having an insufficient income, and the mayor of the town, accompanied by one or two others, came up to see the Commissioners in reference to that scheme, and the mayor said to me, "It is a great pity, Sir, that you cannot do something, or can you do nothing in reference to a very large charity that there is in our town. It was originally a charity," I think he said, "the income of which was worth about 6 l., and the endowment directed that it should be given to poor burgesses in the shape of annuities of 1 l." Well, the property has enormously increased. At the present time I think he told me it was nearly 700 l. a year; that, if well managed even now, it would be 900 l. a year, and probably would greatly increase beyond that, and yet it is now still divided into sums of 1 l. each, and distributed as it was in the first instance. Now, there the trustees are, in fact, elected by the recipients, and there is no more chance of having an application to remedy such a gross abuse and such a glaring case of the improper application of funds than there is of any other great improbability.

2470. In such a case are there no other people than the trustees who would have a right of applying to you?—No; on repeated occasions we have represented in our Reports the importance of modifying the legal requirements, that we should have an application from trustees. It is not necessary that we should be able, in all cases, to act on our own initiation; but, at any rate, let the application not be limited to those who, in nine cases out of ten, are the exact people who would decline to have any interference.

2471. What recommendation have you made to meet such a case as that; who do you think should have power to apply to you; the Corporation of the Borough?—It is for Parliament to see to that. A Bill was introduced last year into the House of Lords by the Lord Chancellor, after communication with us, as to what we thought desirable, and that, as it was introduced into the House,

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suggested that we should act upon the same application, as regards charities that are over 50 *l.*, as we now can in the case of charities under 50 *l.* I omitted to state, and I ought to have stated, that the question of an application from trustees is as regards, not all charities, but charities over 50 *l.* There it must be an application from the trustees, or a majority of them.

2472. And under 50 *l.* who can apply?—In the case of charities under 50 *l.* we may act either on the application of the Attorney General, or by two inhabitants, or one trustee.

2473. Have you any list of applications which have been made to you from the City of London charities?—I have no doubt we have.

2474. Perhaps you could lay before the Committee any such list?—Certainly I will.

2475. Mr. Bryce.] I suppose I may take it that the Charity Commission is fully occupied now with its existing ordinary charity work, and also with the work thrown on it by the Endowed Schools Act?—Yes.

2476. So that it would be impossible for it to undertake, with its present staff, any additional work such as the Public Bill proposes?—I do not think, if the charities of the City are to be dealt with in any reasonable time, that it would be requisite to have an increase of our staff; but if, as I said before, it is to be done within a given period, say two or three years, we should require a very important addition to our staff, though not such an addition as that which is contemplated by the formation of a new Commission.

2477. What length of time do you think the work could be dispatched in with such an addition to your staff as you have indicated?—I should think it might be done in three years; I think so. It would depend, of course, more than anything else, on the rapidity with which the Assistant Commissioners were able to deal with the various charities in the inquiry which would devolve upon them, and which would have to be considered by the Commissioners with a view of remodelling these trusts, and, if necessary, of uniting them.

2478. As regards the comparison you draw between the total number of charities under your jurisdiction, which you estimate at 37,000, and their income, and the City charities and their income, would not it be necessary, in making that comparison, to consider the fact that with regard to most of those charities, you have merely to supervise the ordinary working, whereas in the case of these charities you would have to set on foot an inquiry, and settle a scheme or schemes?—Yes.

2479. So that a comparison merely of the relation borne by the number of charities, and the income of charities, would not express the relation which the new work thrown on you would bear to the existing work you now discharge?—I have failed to make myself understood, if you conceived me to say that; but what I said was this, that after there had been the new arrangement of the City charities, the additional work that would then be thrown on the Charity Commission would be comparatively trifling, looking at the number of charities, and the amount of work which we have to do in reference to them.

2480. In fact it would be less, because under the scheme, when you had completed it, the charities would be very much simplified, and probably to a large extent consolidated?—Of course it would be under any circumstances; but it would to a certain extent depend upon the provision made by the new Bill, whether it was, for instance, such as you propose having only one new governing body, or whether it might be that looking to the fact that these charities would have new schemes arranging for a new application and new governing bodies, or whether, as the Chairman seemed to indicate, it might be desirable that they might be left, not under the control of one governing body, but with new governing bodies for the administration of a new scheme.

2481. I suppose I may take it that these City charities present a good many cases of peculiar difficulty arising from their great antiquity, and the deficiency, in many cases, of conclusive or satisfactory legal evidence as to the original destination of the funds?—There might be difficulty as regards the latter part of what you indicate in your question, the absence of evidence as to the original object of the endowment.

2482. My

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2482. My question only goes to this: Are not the problems presented by the City charities, on the whole, of somewhat exceptional difficulty, owing to the great antiquity of many of these City charity foundations, as compared with the charities over the country at large?—No, I see no difference as regards that.

2483. Owing, for that one thing, to the great antiquity of the City of London itself, and the antiquity of many of these foundations?—Are you sure that there is that great antiquity of the bulk of the foundations which are administered as City parochial charities.

2484. It exists as regards a good many, at any rate?—It might, at regards some, possibly.

2485. I do not care to pursue the point. I take it that in any case, apart from questions of staff, your existing powers would require the passing of an Act, such as, speaking generally, this Public Bill, or the Private Bill, in order to enable you to work effectively and comprehensively?—Certainly, we should require in the points I have mentioned an extension of jurisdiction.

2486. Then I want to ask you your opinion upon one point with regard to the difference between the Public and the Private Bill. The Public Bill proposes to exempt from its operation all charities founded within the last 50 years. The Private Bill proposes to exempt from its operation, except with the consent of the trustees, all charities which have been dealt with by any scheme within the last 50 years?—Yes.

2487. Would you be kind enough to give us your opinion upon these provisions?—I think that such an exemption would be a great mistake.

2488. That is the exemption of the Private Bill?—The exemption that is suggested by the Private Bill. I am sure of this, that we find in our experience that schemes very often require alteration in a very much shorter period than that which is named there. Increase in the value of property and various other circumstances may make it necessary to revise a scheme in a very much shorter period than that. Of course one can easily understand that it would often be very unwise and very unnecessary to revise a scheme which had been made within a short period, but I think for that, you must trust to the discretion of the Commission, whether it be a Commission such as exists now, or any new Commission that may be established, that they will not unduly and unnecessarily interfere with a scheme which has been recently made and that is working well. If it is not working well, then I think it ought to be revised.

2489. It has been suggested by previous witnesses that if a scheme was not working well the trustees under it would be quite certain to put themselves under the Bill. Is it your experience of trustees that whenever a scheme is not working well they are willing to come to you and ask you to deal with them afresh?—No, I should not say that that is the experience which we have. Of course, there are bodies of trustees and bodies of trustees, and very often you will find you have got a very sensible and energetic body of trustees who will come to you from time to time and ask for alterations to be made in a scheme in order that it may be adapted to the circumstances they find in the course of their administration; but then there are others who certainly do not show a disposition to have their administration of funds enquired into, much less reformed.

2490. Then the mere fact that a scheme is not working well, does not afford, as I understand you, a guarantee that those who administer it will seek for reform?—I think the very circumstances which make a Bill necessary for the separate administration of the City charities, rather shows that there is not a great readiness to make application to us.

2491. Mr. *Walter James*.] Would you mind, in a few words, giving the Committee your opinion upon the merits of the Private Bill?—Well, that is a very comprehensive question; if you ask me in this way whether I approve the Public Bill or the Private Bill, I think the Public Bill is the better, and I think there are very grave points of objection as regards particular points in the Private Bill.

2492. Would you mind stating to the Committee what points you think there are

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are in the Private Bill that you have not power to deal with at the present time with the exception of the constitution of the new governing body, and the intermediate Commission?—I do not quite appreciate your question.

2493. What is it that the Private Bill gives you, or gives any Commission power to do which you are unable to do already; are there powers given to the new governing body by the Private Bill which you do not already possess?—It contains a great deal that is new; as, for instance, as regards the appointment of the new governing body, that is an altogether novel proposal; perhaps you will indicate a little more clearly what you refer to.

2494. That does not involve a re-distribution or re-arrangement of the property which you would not have power to do under the schemes put forward by the Charity Commissioners; that is so, is it not?—Do you mean whether the Private Bill gives us the power of dealing with the charities in a manner that we could not do now?

2495. Or what power?—After the present trusts are satisfied, as I understand by the Private Bill, it is the surplus which is to be dealt with by the new scheme; that surplus would, under the Private Bill, be dealt with in a way in which we should not have power to deal with it now.

2496. Would it not be possible for bodies of trustees to come to you at the present moment and put forward proposals to you to frame schemes, which, to a great extent, would carry out the object intended to be carried out by the Private Bill?—No, I think not. I think as regards the surplus, the Private Bill would give the new Commission power to do that which under no application made to us now we should be able to effect.

2497. Do you think that if this inquiry is held by the temporary Commission it might disclose the existence of property in connection with these charities of which, up to the present time, you are unaware?—I think it highly probable.

2498. I do not know whether it is a proper question or whether I should press you on the point; but will you state to the Committee why you think it is highly probable?—I think there are properties now which the various parishes put forward claims to, and which if we were able to see all their deeds and so forth, I think we might probably find we could establish to be charitable property; that is to say, property clothed with specific charitable trusts.

2499. Do you think it is likely that property would be considerable?—As regards that, I have not really means for expressing an opinion that they would be worth anything.

2500. Have you read Mr. Freshfield's evidence?—I have looked through it.

2501. Mr. Freshfield in his evidence stated that there had been a great desire on his part, and on the part of those with whom he acts, to put forward schemes before the Charity Commissioners; do you consider that that is so?—I am not aware of it.

2502. You are not aware that Mr. Freshfield said so?—I am aware that Mr. Freshfield said so, but I am not aware that there has been any great desire on the part of the charities of the City to make application to us for new schemes.

2503. There has been a reluctance, do you think?—I am under that impression. You may say this, that we have made representations with regard to the parochial charities of the City as far back as, I think, 1866; then again in 1868, and then again in the Report of 1876, published in the early part of 1877.

2504. You are acquainted with the names of the firms of solicitors which are on the back of the Private Bill, are you not. You know who are the promoters?—I did not take notice. They are the four City Members.

2505. I am speaking of the names of the solicitors, Messrs. Freshfield & Williams, Messrs. Baylis & Pearce, Messrs. Phillips & Sons, and Messrs. Tippetts & Son. Have any of those firms had dealings with you with regard to the promotion of schemes for City charities?—Yes, I think so. Mr. Freshfield's firm had some years ago in respect to the charity that is called Barnes' Charity.

2506. And

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2506. And Messrs. Baylis & Pearce?—They have had communications with the Charity Commissioners, but I do not recall at the moment what charity it was in respect of which they had dealings with them.

2507. Has that firm shown any desire on behalf of the charities they represent to promote schemes; Messrs. Baylis & Pearce?—I have not had amongst the charities which I more particularly deal with, anything to do with them.

2508. Or Mr. Phillips?—Nor Mr. Phillips.

2509. Mr. *William Lawrence*.] I think you stated that if it was intended to deal rapidly with these charities and bring about a settlement of them in a limited time, the Charity Commissioners at the present time would be totally unable to take upon themselves the work?—What I said was it would be clearly out of their power to do within a very limited period that which it is thought necessary by the one Bill, to appoint three Commissioners, and by the other to appoint five.

2510. And you think that an extra staff of one Commissioner, and three or four sub-Commissioners or inspectors might get through the work in three or five years?—I said that it would be sufficient in the first instance during the time that the inquiries were going on, upon the result of which inquiries the new schemes would be framed, but when those inquiries were completed, and the new schemes came to be framed, then I thought there would be an additional strengthening of the Commission required. I think then it would be necessary to have another Commissioner at any rate.

2511. You have stated something with regard to the official trustee. Do you consider the trustees of the property, and who distribute the property, have as full power over the management of the land if it is vested in the official trustee as if it were vested in them?—Yes.

2512. Then you must still continue the body of trustees just the same, whether there is an official trustee or not?—Certainly. We could not do anything unless we were able to continue an effective body of trustees.

2513. So that when the number of trustees is reduced to a small number there must be a new deed and fresh trustees placed upon it, in the same way as is done now under an official trustee. You require a fresh deed and fresh trustees to fill up vacancies and carry out the management of the estate and the distribution of the funds?—I do not quite understand the question.

2514. As the trustees are diminished in numbers by death, it would be necessary, I take it, to have a body of trustees to manage the estates and distribute the funds, and there would have to be a new deed and fresh trustees put into it?—A new conveyance of the estate.

2515. Not of the property, but a new deed, with the names of trustees put into it?—If the trustee is not appointed by order of the Board, yes.

2516. Now, in the management of the property must they not bring everything under the notice of the official trustees; for instance, as to the length of the leases and the rent for which they let the property. Must not all that have the sanction of the official trustee?—In no way. Of course, if they sell or lease for a longer period than 21 years they have to apply to the Charity Commissioners, but that application they have to make to the Charity Commissioners for their assent, they have to make, whether the property is in the hands of the official trustees or is vested in the trustees themselves.

2517. The official trustee, I apprehend, must be a party to every lease that they make?—No. By the terms of the Act of Parliament it is not necessary for him to act at all in granting a lease.

2518. Would the trustees be at liberty, for instance, in the present depressed state of the landed interest, to make a large reduction, say, 25, 30, or 35 per cent. on the rents under a lease even if they thought it proper, without the sanction of the official trustee?—The official trustee would not know of it, or have anything on earth to do with it.

2519. And they would not be bound to consult him upon it?—Certainly not, in no shape or form.

2520. You have been asked with regard to the power given to these Commissioners under the Public and the Private Bills, whether, if the Charity Commis-

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[*Continued.*

sioners were substituted they could carry out the requirements of the Bill with an additional staff?—If you give the Charity Commissioners the same powers which either Bill proposes to give to the new Commission, I think we could carry it out as rapidly and more efficiently, if I may presume to say so, and with much greater economy, than could be effected by any new Commission.

2521. Have you at all estimated the additional expense it would cost the Commission at all?—No, I have not. I have indicated that, probably, in the first instance, there would be required an additional Commissioner; that there would be wanted three or four Assistant Commissioners or inspectors, as you may term them, to inquire, and, of course, there would be required some additional clerical staff; but I do not conceive that it would amount to half of that which the new Commission would cost.

2522. With regard to the question of the additional property you think would be brought under the control of the Charity Commissioners, is it your idea that the present trustees consider certain properties outside the charities, which you think possibly might be brought under the term of charities, and, therefore, under the Commission; is that your view with regard to the bringing of additional property under the Commission, because you were asked about concealed properties being brought under your jurisdiction?—I understand the Member for Gateshead to refer to properties that are at present claimed, practically, as private properties by the parishes, but which, by a late decision of the Master of the Rolls, and I think, in the opinion of lawyers generally, is really clothed with a charitable trust.

2523. Then it is upon that question of opinion as to the law and not any concealment of property in the shape of concealing it from the Commissioners?—I make no imputation.

Tuesday, 2nd May 1882.

MEMBERS PRESENT:

Sir Thomas Acland.
Mr. Bryce.
Mr. Corry.
Mr. Cubitt
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.

Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Earl Percy.
Sir Matthew White Bidley.
Mr. John Talbot.

THE RIGHT HON. G. J. SHAW LEFEVRE, IN THE CHAIR.

The Right Hon. Sir *W. R. Seymour V. Fitzgerald*, G.C.S.I., re-called; further
Examined by the Committee.

2524. Mr. *John Talbot*.] I THINK you said on the last occasion that, looking to the details of the two Bills, you would distinctly prefer the Public Bill, as it is called, to the Private Bill?—I said I thought that in several particulars the Public Bill was preferable to the Private Bill.

2525. Have you any particulars which you would wish to mention to the Committee, which you have not already mentioned, in which you think the Public Bill is superior to the Private Bill?—I think the nomination of the Commissioners by the Crown, which is the provision of the Public Bill, is preferable to the provision in the Private Bill, which, if I recollect rightly, is that there are to be two named by the Crown, one by the Corporation of the City of London, and two others.

2526. And two others to be named in the Bill?—Yes; presumably those would be two selected by the Promoters of the Bill.

2527. You prefer the appointment of three Commissioners, all responsible to the public, as appointed by the Crown?—Certainly.

2528. You disapprove, I think, of the continuation of the numerous existing bodies of trustees?—Yes. I said, I think, that both on the score of the expense and the dissatisfaction which has been expressed with their past administration, the continuance of so many independent bodies was very objectionable.

2529. Do you wish to say anything on the question of user in the case of ecclesiastical funds?—There, I think, the provision in the Public Bill is, if I may be permitted to say so, exactly that which it ought to be, recognising long user as raising a presumption, but not conclusively declaring such endowments to be ecclesiastical, because they have been long applied to ecclesiastical purposes.

2530. It often does happens, does not it, that charities which are notoriously ecclesiastical, yet have no such definition in the instrument of foundation?—Long user would raise before the Commissioners, as it would before any court, a presumption that originally they were for ecclesiastical purposes.

2531. You would deal with such matters as any court of law would deal with them?—Certainly.

2532. And not be bound by the mere hard words of a section of an Act of Parliament?—Certainly.

2533. Perhaps the most important point on which you can inform the Committee, and which I think you have already said something about, is the question of whether there should be a new Executive Commission at all, or whether the powers of the Charity Commissioners might be, with modifications and extensions, sufficient to carry out the purposes of this Bill?—It appears to me, that on all grounds, both on the ground of the increased length of time that an inquiry by a new Commission would take, and for other reasons it certainly is desirable that these reforms should be placed in the hands of a Commission that has an experience of what I may term charity work.

2534. You say you think time would be saved in that respect?—I should say very considerably.

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2535. The Charity Commission, through their staff, and by means of their long experience, have got into the way of dealing with matters, and therefore can save a great deal of time, which a new body would lose, in learning its business?—Certainly; moreover, I take it, if it were put in the hands of the Charity Commission, with a view of effecting the inquiry completely and rapidly, the Board would most probably think it desirable to entrust the inquiry to some of the Assistant Commissioners, or, as we now term them, Inspectors, who have been for a long time engaged in inquiries of exactly similar character, and that the Assistant Commissioners or Inspectors that were added would take their places in the ordinary work of the office.

2536. Do you remember when the question of the endowed schools was before a Royal Commission that this very point was raised as to whether the Charity Commission could undertake that work?—Yes, it was raised, and a very strong expression of opinion was given by Lord Selborne upon the subject, when he was examined before the Schools Enquiry Commission.

2537. Would you like to refer to his words?—The question before the Schools Enquiry Commission was whether the administration of an Act for the reform of the endowed schools in the country should be placed in the hands of a new Commission, or whether the Charity Commissioners should undertake it, Lord Selborne is asked.

2538. He was then Attorney General, was not he?—I am not quite sure. It was in 1866. He is asked, "Would the Charity Commissioners be such a board as you would think competent to deal with such subjects?" His answer is, "I am strongly disposed to think so for two reasons. First, because I do not think that a multiplication of boards is desirable, and secondly, the Charity Commissioners from their general experience of charities must have got a system which in its main features would be applicable to this as well as to other charities, and, as far as I can judge, they must also have acquired great experience of this particular class of charities." It is fair to say that Parliament did not at the time coincide in that opinion, because they did appoint two Commissions; they appointed the Endowed Schools Commission, leaving the Charity Commission to attend to its ordinary work. But very few years elapsed before Parliament found it desirable to do away with the separate Commissions, and to fuse the two Commissions in the hands of one body.

2539. The Charity Commissioners are now doing the very work which the Endowed Schools Commission was appointed to do?—The Charity Commission is now exactly in the position that Lord Selborne recommended it should be placed in when he gave that evidence before the Schools Enquiry Commission.

2540. I think some opinions to the same effect have been expressed by distinguished judges (the Master of the Rolls and the Lord Justice James); have they said anything upon this point?—Not in reference to the Charity Commission having jurisdiction as compared with the necessity of placing new powers in the hands of another Commission. What they have referred to is the great value of the experience which the Charity Commission has in the course of years obtained with reference to the administration of charities; and both the Master of the Rolls and Lord Justice James went so far as to say that they considered the Charity Commission in the nature of experts, and that they would not put their own opinions as to the way a charity should be dealt with in opposition to the opinion which might be entertained by the Commissioners.

2541. Was that the present Master of the Rolls?—The present Master of the Rolls, who had been Attorney General, and had had a very large experience of the formation of schemes.

2542. Sir *Thomas Acland*.] I thought Lord Romilly gave evidence?—No, I am referring to the opinions expressed by the present Master of the Rolls, Sir George Jessel, and Lord Justice James in the judgment in the Camden Charities case.

2543. Mr. *John Talbot*.] That is quite a different occasion to that which we were referring to as to Sir Roundell Palmer's evidence?—Yes.

2544. In fact we may say the Charity Commission have now obtained in the country that position which was anticipated for them in the Report of that celebrated Committee upon the lines of which all recent legislation has proceeded?—Yes.

2545. Probably

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2545. Probably you remember the recommendations of that Committee, which reported so long ago as 1835, in which they say: "Your Committee are inclined to recommend that the superintendence, and in certain cases, the administration of all property devoted to charitable uses, should be entrusted to a permanent Board of three Commissioners, or some other independent authority, on whom should be imposed the duty of superintendence and control over the administration of all property devoted to charitable uses"—Yes; I remember that perfectly.

2546. If we were to agree to the appointment of such a Commission as is contemplated by both these Bills, it would be, in fact, setting up a sort of supplementary Charity Commission for the City of London?—Yes; it would be more than that; it would be appointing such a Commission for limited purposes; because both by the Public and Private Bill the powers of what you may term the temporary Commission, are limited to the formation of schemes and the appointment of trustees, and, during all that time, all the other functions which are fulfilled by the Charity Commission as regards leases and sales, investments, in giving the advice and opinion which gives indemnity to everybody who acts upon it in the management of charities; the rendering of accounts, everything of that kind, would necessarily still go on in the hands of the Charity Commission, and practically, so far, there would be two Commissions dealing separately with the same subject-matter.

2547. A dual administration, which would be obviously unsatisfactory?—So I should say.

2548. There is another point upon which you would perhaps like to say something; the proposal that the Commissioners to be appointed under these Bills shall have the power of inspecting and taking copies of, or extracts from, all papers, documents, and records now in possession of the Charity Commissioners; do you think that that would be convenient?—I can quite understand that for properly fulfilling their duties, a power such as that is absolutely necessary; that is to say, that any body of men who are going to deal with these charities must have the means of informing themselves as to everything that has been done, and the exact position of these charities, but I cannot conceive how such a provision is to work. It seems to me that it would be the most serious interference with the business of our office. It must be that either the new Commissioners must send clerks to inspect and take copies and extracts of any number of documents, or if that be found objectionable, that they must apply to us to supply them with the copies and extracts. As it is, we are very short-handed, and it would be impossible for us to fulfil that requirement unless our clerical staff was expressly increased for the purpose.

2549. I think you have said something in your annual report of this year as to the fusion of the Charity Commission and the Endowed Schools' Commission?—Yes.

2550. Showing how that practically works?—Yes. We are speaking of the advantage that has been obtained from the fusion of the Endowed Schools and the Charity Commissions. We say in our report upon that subject: "The fusion effected of the two Commissions before existing has greatly facilitated public business by removing the possibility of friction, or conflict of jurisdiction that might not improbably arise between two departments having cognisance of the same subject-matter;" and further we say "the concentration under one roof, and in the same custody of the records of endowments, which are subject to the two jurisdictions created respectively by the two Acts, has of itself materially obviated delay and difficulty in the transaction of business." I take it that that would be found to be still more important in the case of two Commissions such as these dealing absolutely with the same endowments, and with an object which is common to both.

2550.* Whatever may be said about the advisability of having a separate Commission for schools and for charities would not apply to this case in which we are only concerned with charities?—What we said in our report would apply doubly, I think.

2551. I think you said something on the last occasion as to the position of the official trustees; some misconception has arisen on that; perhaps you would like to explain it further?—The replies that I gave rather dealt with the case of the official trustee of charity lands, and did not refer so much to the position of the official trustees of charitable funds, of whom there are three, the secretary of

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our Board being always one under the provisions of the Act of Parliament. Of course the security obtained in the case of funded property held in the names of the official trustees is most complete. The funds stand in their names, and by the rules of the Bank, no one else can touch them. One evil that is obviated in such a case is somewhat similar to that which I referred to in the case of the official trustee of charity lands, because in the case of funded property standing in the names of private trustees, in course of time the number is reduced by death, and the appointment of new trustees becomes necessary. Some may have gone abroad, to America, to the Colonies, or elsewhere, and then died, and been lost sight of. In such a case the Bank of England requires express proof of the death of each such person before they will transfer into the names of new trustees the funds which stood in their books in the names of the old; and such proof, even if possible, must entail considerable, and sometimes very large, expenses. All this difficulty is avoided where the funded property of a charity stands in the name of the official trustees.

2552. Do you consider that there is any ground for the fear that has been expressed that the official trustee will interfere in the management of charity property?—No, I think I could not have expressed myself stronger than I did when last before this Committee; either in the cases of charity land or of charitable funds an official trustee has no power whatever to interfere with the management. In the case of funded property the official trustees receive the dividend and transfer it immediately to the bankers of the trustees; they have nothing to do with its application. In the case of charity lands the official trustee has no power of control whatever. The trustees give leases, collect the rents, and allow deductions at their own discretion, without the official trustee even knowing that the question is raised. In the word of the Act, he is no more than a bare trustee.

2553. He is powerful to prevent mischief being done, but he cannot interfere in the management in any sense?—No.

2554. You mentioned the decision of the Court of Appeal last year, 1881, in the case of the Campden Charities, Kensington. Is there anything more you would like to say as to the effect of that decision?—Of course the decision of the Court proceeded upon this ground, that by the doctrine of *cy pres* we have always had the power of regarding, not solely the means by which a founder desires his object to be carried out, but where they have failed, or become inexpedient, the object of the endowment itself, and that we must as far as we can carry that out strictly, and of course, to a certain extent we must be influenced by the consideration of how the founder intended it to be carried out as, for instance, an endowment be given for an almshouse, we might change into pensions for the old, but not into a school; so in the case of apprenticeship, we are not bound necessarily to continue apprenticeship charities, if that form of charity become obsolete or unnecessary, but the intention of the founder being that, the object of his bounty should receive such an education as will enable him to obtain a livelihood; we may further that object by technical education at the present time considerably more advantageously than by apprenticeship. We feel that our hands are greatly set free by such an authoritative decision of a court of appeal.

2555. Have you looked at the objects to which these charitable funds are intended under these Bills to be applied?—Yes.

2556. Some of them carry the doctrine of *cy pres* a little far, do they not?—It would be more just to say that in giving the new Commission power to vary trusts both as to their object and their area, the Bills go beyond what the most liberal interpretation of the doctrine of *cy pres* would admit. But looking to the fact that the charities in the City of London are, some of them, given for what are termed the “behoofful uses of the parish,” and others for the poor of the parish generally, and some others, with the express direction that the poor should receive a benefit in a particular manner, you may say that under that decision of the Master of the Rolls and his colleagues, in the case of the Campden Charities, there is scarcely any object specified in the two Bills as being those which the new Commissioners are to have regard to in making their new schemes which might not be carried out by the Charity Commission by an application of the doctrine of *cy pres*. Take the case for instance of the “behoofful uses of the parish.” That would permit us to apply funds to the establishment of schools,

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schools, for museums, or libraries, anything in fact that, having in view the object of the founder, viz., the benefit of the parish, we think, would, in accordance with the present state of feeling, and the present state of circumstances, be for the advantage of the parish. Again, in the same kind of way, charities for the benefit of the poor of the parish could equally be applied under the doctrine of *cy pres* in the way of exhibitions, provident societies, dispensaries, and the like; of course the power of uniting the charities of different parishes and varying the area would still be wanting.

2557. Take the question of open spaces?—Of course, if you can conceive such a case as a large parish, having a charity that was given for the “behoofful use” of the parishioners, and that there was an open space that could be found in that parish for the purpose, I have no doubt we could apply the parish funds for a purpose of that kind.

2558. I do not dispute that. A suggestion was made the other day that some of the City charity money might be taken to assist the formation of a public park in Paddington. That is a very desirable object in itself, but surely it hardly comes within the purview of the doctrine of *cy pres*?—Of course, that could not be done by any use of the doctrine of *cy pres*.

2559. The *pres* must be omitted in that case, must it not?—Yes.

2560. It is a long way from the City?—Yes.

2561. As to the exemption of these five populous parishes, do you approve of that proposal?—I can see no good reason for making such a distinction. It may be right, and I think is, to retain local administration in those parishes, but the way the matter strikes me is this: under Mr. Bryce’s Bill the Commissioners may unite a number of charities from a number of different parishes, so as to make one large and important endowment. I can see no reason why that should be differently treated to the case of endowments in the five populous parishes. I think it would be perfectly possible for a commission to establish a body of trustees for this combined endowment, bringing, no doubt, possibly an outside element, and a considerable outside element, into its formation, but at the same time not wholly excluding a local element. I confess I think, as regards the management of property particularly, but also in other respects, there is considerable advantage in maintaining some local element on the governing bodies of foundations such as I have adverted to. I do not mean, of course, that they should be left in the hands of the present trustees, that necessarily either churchwardens or vestry clerks should be upon the trust, but in the City of London I should conclude, if you unite parishes, nothing would be more easy than to obtain men of position, and men of influence, who would be very content to be upon the governing bodies of important foundations such as would be formed under these Bills, although they would not condescend to be the trustees of “petty charities,” or members of very small and insignificant bodies of trustees.

2562. In fact, you do not see why the interests of separate parishes should not be considered, whether they are amongst these five or not?—That is my opinion.

2563. From what you already said, I think I may take it you do not approve of the governing body of 17 persons representing the whole metropolitan area to administer the whole of the funds?—I can see considerable objection to it. In the first place, as I have already said, having regard both to public opinion, and having some respect at any rate to the original foundations, I think it is desirable to maintain, to a certain extent, a local element; I do not go beyond that, but that it should be a local element, and an element that would be entitled to make itself heard and felt. I do not think it is convenient to have a large amount of endowment administered by a body such as is proposed. They are 17 in number, drawn from an area within a radius, I think, of 20 miles from the Post Office, or something of that kind: something very large indeed. Another thing, I think is, that a body of that kind, of 17 members elected as proposed by the Bill, would be a very difficult body for either the Charity Commission or any other Commission to control, or even differ from. I think it is a great deal better to have a body that would be amenable to the feelings of those who were interested in the charity, such as the trustees, formed, as I have suggested, in the case of united endowments would be.

2564. In fact this would be creating almost too powerful a body looking to

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public policy?—I think so. If I apprehend Mr. Bryce's Bill correctly, though it would be in the power of the Commissioners to frame a scheme directing the particular application of any endowment, it is equally in their power to leave it to this body of 17, to distribute and deal with the amount of endowment placed under their control as they think fit.

2565. *Chairman.*] You could not have a separate management for that specially destined charity fund; the disposition of all the funds must be left to this body of 17?—If I understand Mr. Bryce's Bill it might be so left. I think that would be very objectionable. For instance, take the case of a public dispensary, or take the case of hospitals in the east, I think it would be a very much simpler thing if a number of these endowments were combined together to be applied for the benefit of those hospitals, and were placed in the hands of a governing body that would look specially to the administration of those charities.

2566. I rather understood the Bill to mean, not that it might but that it must leave it to the central body of 17?—I apprehend not. The 18th section of Mr. Bryce's Bill says, "The Commissioners shall not be bound to specify in any scheme the precise objects to which or the manner in which the general charity property shall be applied by the new governing body, but they may (if they shall think fit) specify such objects or manner with such particularity as they may think necessary, and may (if they shall think fit) leave the details of such application to be subsequently settled by the new governing body in manner hereinafter mentioned."

2567. I rather gather that to mean that they must leave the disposition with the governing body, but they may specify the direction in which the governing body shall use the funds?—They must create a new governing body, but they are not bound to specify in any scheme the precise objects to which the money of that scheme shall be applied.

2568. But if they do specify the objects to which any portion of the funds are to be devoted, they must still leave the disposition of it with the governing body?—Yes, but they need not, as I understand it, say that it is to be given to any specific object.

2569. Quite so; but whether they destine the funds to any particular object or not, they must leave the management of it with the new trustees?—Certainly.

2570. They cannot create a smaller body of trustees for the special purpose of managing a minor charity?—Perhaps not. But, as I understand, they may make a scheme saying that this new governing body shall apply 10,000 *l.* a year to hospitals. Then the new governing body may give 500 *l.* to one and 200 *l.* to another, and may change it the next year.

2571. *Mr. John Talbot.*] You would much prefer leaving all that in the hands of the Charity Commissioners?—I am not referring now to the body by whom these new schemes are made. Whether made by the new body or by the Charity Commissioners, I think it would be very much better that the scheme should direct that the endowments of certain charities should be applied to certain specific objects in a certain specific manner.

2572. In the same way that the Charity Commissioners make their schemes now for all other charities?—Exactly.

2573. *Sir Thomas Acland.*] Does not that imply that every separate scheme would have its own separate governing body. That is all you can do now, is it not?—I do not think it necessarily would be so. If we could get a sufficient application, in nine cases out of ten we could do everything required, but always with this difference, that of course we cannot change the locality unless Parliamentary steps in and gives us that power.

2574. *Mr. Macfarlane.*] I understand the object of your examination and the examination of the Charity Commissioners is for the purpose of establishing their claim, if I may call it a claim, to administer the funds of the City parochial charities. It is to establish a case for handing the funds of the Charity parochial charities over to the Charity Commissioners?—No; my evidence rather goes to show this, that with some extension of our powers we have a complete power of dealing with the parochial charities of the City of London, which are now under our control.

2575. In fact, you mean there is no occasion to create a fresh commission for the purpose?—Yes.

2576. There

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2576. There is no occasion to create a fresh commission to administer the charities; they can be administered by the Charity Commissioners now existing?—They are subject to our commission already.

2577. On what principle are the funds of the Charity Commissioners administered now; that is to say, are there any sectarian conditions attached to their administration?—We do not administer the funds.

2578. You regulate their administration?—We do not administer; it is the trustees of every charity who administer the funds.

2579. Just so; but have not you a control over those trustees?—If they do what is illegal and improper we have the power of certifying a case to the Attorney General, who then deals with such a case as he thinks fit, but we have no power of absolute control. We may say such an expenditure is irregular and improper, but we cannot stop it of our own authority.

2580. In the case of trustees who refused a portion of the charities for any one particular purpose, would not the person whose application was refused be entitled to apply to the Charity Commissioners to overrule the trustees?—No. Do you mean any person who was entitled to the benefit of the charity?

2581. *Chairman.*] Supposing charity funds are used for sectarian purposes when there is no provision in the deed which entitles them to be treated as sectarian, would the persons who were improperly excluded from the benefit of these funds have a right of applying to the Charity Commissioners as against the trustees?—If they did we could only give our opinion.

2582. You could not do more?—No.

2583. *Mr. Macfarlane.*] Have you ever had such a case?—We have sometimes cases; as, for instance, if a boy has not been admitted into a school who by the foundation was entitled to be admitted, or cases of that kind, we may have.

2584. *Chairman.*] You give your opinion, and you can carry it no further?—That is so, but in such a case an aggrieved party might go before a court under our certificate. As regards expenditure, a Bill was introduced into Parliament by Lord Selborne, which passed through the House of Lords, which gave us very important powers; powers moreover that would have enabled us to deal in a most complete manner with every charity in the City of London. That passed the House of Lords last year, but then there was not time to bring it before the House of Commons. As that Bill was introduced there was a power that would have given us a very considerable control over the expenditure; that is to say, we could have disallowed any expenditure and could have exercised through our inspectors an authority similar to auditors in the case of poor law accounts. But that we do not possess now: we have no power of control. All we can do is, when a thing is wrong, to put it in the hands of the Attorney General to apply to the Court to put it right.

2585. *Mr. Macfarlane.*] In the event of the parochial charity funds being passed on to the Charity Commissioners, you would have no more power over them than you have over those now in your hands?—We should have no power beyond what we have now, further than this, that we should make schemes under which these charities which are now, I will not use the word misapplied, but as to which there is a difficulty of application might be usefully and properly administered.

2586. And you would employ trustees to administer that scheme?—Certainly; to nobody is the existence of a body of good trustees of so much importance as to the Charity Commissioners, that you may be perfectly sure of.

2587. *Mr. John Talbot.*] The honourable Member says there is a proposition to pass over these funds to the Charity Commissioners, but there is no proposition of that kind?—None whatever.

2588. The proposal is that you should have the power of forming bodies of trustees to administer them?—Exactly.

2589. *Sir Thomas Acland.*] In a great number of charity schemes which pass through your hands now, especially in connection with schools, there are most absolute clauses inserted against what is called sectarian application of funds?—Certainly.

2590. Do you think there is any remedy whatever for an abuse of those powers; if the trustees do not act conscientiously in accordance with those

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schemes, have you no power?—We put it into the hands of the Attorney General.

2591. *Mr. Macfarlane.*] You have never known a case of that kind occur?—I do not recal any.

2592. *Sir Thomas Acland.*] At present there is no power, I believe, of inspecting the schools which are under your schemes, and seeing how far they are honestly carried out?—We have repeatedly, I think three or four times, two or three at any rate, suggested that there should be powers of inspection given to our board in order that we should see, particularly in the case of schools, that the provisions of our schemes are properly carried out; and not only that the provisions of the schemes are properly carried out, but that, even if properly carried out, they are acting with advantage.

2593. In the event of legislation on the basis of the Bills now before this Committee, some such power of supervision or inspection would in your opinion be desirable?—I should say, certainly.

2594. In the event of legislation on the subject now before this Committee, do I understand you to say you think it desirable to leave all the existing trustees as separate governing bodies?—I expressly said the contrary.

2595. Will you make your opinion clear on that point, because I think you have been misunderstood?—I expressly said that I thought the continuance of these numerous bodies of trustees was most undesirable. I have expressed the opinion that it would be possible to deal with those charities by our Commission; but whatever commission has the jurisdiction given to them, they would unite a certain number of charities so as to make an important income be applicable to a particular purpose under a scheme by a body of trustees also appointed under a scheme.

2596. Would you suggest, if it is not asking you too much, to give your opinion on the subject, that that should be a geographical union or a union by subject; for instance, would you unite a certain number of parishes in the north and south and east of London, or would you unite hospital charities; will you give us any idea of how you would group charities?—It would very much depend, I think, on the nature and circumstances of the charities dealt with as well as of the charity established in the schemes. For instance, there is no reason why a very large hospital should be very strictly localised. It spreads its benefits over a very large area, the same in the case of a school. Probably you would regard contiguity to a certain extent for the convenience of access. Suppose that there are 50,000 £. or 60,000 £. a year set free for various purposes, you can conceive that there would be seven or eight main, principal objects, technical education, we will say, education, convalescent homes and hospitals, and so on. The right way of dealing with it, in my judgment, would be that for the endowments so created for those objects there should be a governing body formed, having in some degree regard to the source from which the funds are drawn, as well as the purpose to which they are to be applied, as we should form it now in the Charity Commission; I would take care, to a certain extent, that there should be some kind of local element upon it both for the convenience of administering the property and also because in certain cases where property has been given to a particular parish, the parish would fairly expect some advantage to be retained for it. For instance, that its poor, who want hospital treatment, should have a certainty of being admitted into an hospital, if its funds are given by a scheme to maintain such an institution, that there should be, I will not say an absolute preference, but some connection kept up between the parish whose charities have found the money and the particular endowment to which, under the new scheme, it was applied.

2597. Will you forgive me for saying that I do not quite clearly apprehend your principle now. At first I thought you seemed to say that the grouping should be by subjects, hospitals, convalescent homes, schools, and so on; but now I gather you seem also to bring in the idea of grouping parishes, or even of taking separate parishes?—No; I have not expressed myself in favour of either the one principle or the other; much would depend on the circumstances of each case.

2598. Will you give us your opinion distinctly on the two subjects; whether you would group areas for administration of charities, or whether you would simply take certain subjects and give separate governing bodies for those subjects,

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subjects, or whether you would endeavour to combine the two ideas?—I would not make any absolute rule; my view is that you might, without considering the contiguity of parishes, look in one case to the nature of the existing trust, and say there is Brown's Charity and Smith's Charity in such a parish, and so many others in another parish, funded for one common object, say for education, to give pensions, or medical aid, or the like, and establish a scheme by which they should be united under one governing body for that particular purpose, or a scheme might be established for charities united with regard to contiguity, or others might be united without regard either to the object of the endowment or considerations of locality. You must leave much to the discretion of whatever Commission undertakes the duty.

2599. You will bear in mind, if you please, that it is proposed not to limit these charities to the existing areas, but to a rather wider area; that they will be extended over the metropolitan area?—I apprehend one of the special objects of the Bill would be to facilitate the application of an endowment to a particular object without having regard to the existing area.

2600. You will have to think of other parishes as well as City parishes?—All that could be easily carried out under the Bill that Lord Selborne introduced, by which we were to have the power of making schemes subject to the same conditions and forms as is suggested by Mr. Bryce in his Bill; which would have the force of an Act of Parliament, and which we could carry out without any application at all.

2601. Do I understand you correctly that you think the existing Charity Commission, strengthened so far as may be necessary, could devise schemes, either geographically or by any other method of division, and could create governing bodies for those new areas or new subjects?—Yes.

2602. I understand you to say you think some arrangement of that kind would be better than one large governing body for the whole subject?—Yes.

2603. *Chairman.*] Have you the power of calling upon charities to contribute towards the expense of framing schemes made by your Board?—No, there are, practically, no expenses; practically the public pays for everything.

2604. Then you have no power of calling upon the charities when you are framing a scheme to contribute towards the expense of your Commission?—There was a Bill introduced by the late Government into Parliament by which charities would have contributed to the expenses of the Charity Commission, the Charity Commission continuing as now to do all the work without any fee.

2605. Supposing the work of this Bill were thrown upon your Commission, it would entail upon you a considerable increase of staff?—It would entail upon us the increase of staff that I mentioned in my evidence on Friday last.

2606. With your present powers you have no power of calling on the charities to contribute to that additional cost?—No.

2607. It would be necessary, therefore, if that were thought desirable, to put a provision into the Bill with that object?—It would be necessary of course, if thought desirable, that there should be a similar provision that the expense of reforming the parochial charities of London should fall upon the charities.

2608. *Sir Thomas Acland.*] Is not it the fact that you have a staff amongst whom are some very able men with a very great deal of experience about the working of charities all over England?—I do not think that you would find any department of the State where there are more able men than we are fortunate enough to possess.

2609. And with very wide experience?—Yes.

2610. All over England?—All over England.

2611. *Mr. Bryce.*] You expressed an opinion that it would be well that the expense of this inquiry and scheme making should be defrayed out of the charity funds themselves?—I said I conceived that Parliament would probably put in a similar provision to that in Clause 40.

2612. I ask you whether the provision contained in Clause 40 would meet your views, supposing of course, that instead of the special executive Commission proposed by the Public Bill, the Charity Commissioners were to undertake the work with that modification?—Of course the Charity Commissioners would have to be substituted for the new Commission all through the Bill.

2613. Assuming that, would Clause 40 meet your views?—Yes; I can see
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no difficulty about it. That which is by your Bill applicable to the new Commission could be equally made applicable to the Charity Commissioners as far as Clause 40 is concerned.

2614. With reference to what you said about the governing body, it is within your knowledge that the Royal Commission proposed one governing body?—I am aware of that, though I am unaware whether they took evidence on that point.

2615. I understand your view about having special governing bodies is this: that in some cases it might be desirable to have governing bodies which were constituted with reference to local areas, and in some cases it might be desirable to have them constituted rather with reference to the subject and nature of the endowment to be dealt with:—I think to a certain extent. I have alluded to the necessity of having a local element. There it is rather having regard to the locality to which the charity belongs which you divert to the particular purpose.

2616. That I take it would be rather met, would not it, by a provision reserving to persons belonging to that parish any advantage which could be properly bestowed upon them?—It would be according to the directions of the scheme. Supposing there are a number of parishes in which Cheapside is situated, I can readily fancy that you would very easily find a local element among the local merchants or shopkeepers or bankers in Cheapside.

2617. I am speaking with reference to the metropolis at large. Do I understand you would think there might be cases in which for a considerable metropolitan area it would be desirable to have something in the nature of local representation?—I think so.

2618. Would it meet your views if you had the subordinate governing bodies under the central governing body, by which the property was managed. I think you have passed a scheme lately for Dulwich College?—Yes.

2619. You have provided in that for a body called the Estates Governors, who are to hold the property and manage the income?—Yes.

2620. And you have provided that they shall pay over certain sums to various subordinate bodies of governors?—Yes.

2621. Would something of that kind be possible with regard to this new governing body?—No doubt.

2622. That the new governing body provided by the Bill should manage the funds, and be directed by the schemes to pay over parts of the funds to special subordinate governing bodies who would apply them in accordance with the provisions of schemes?—Certainly. In very many instances it would be carried out from the very nature of the case; for instance, if there was a governing body that administered a considerable number of charities for the purpose of hospitals, the money would be handed over, I conclude, to the governing body of each hospital.

2623. The general management of the funds would remain with the central governing body?—Yes.

2624. Mr. *Walter James*.] You have taken great interest in the scheme which is promoted for Christ's Hospital, I believe?—I have. I ought to be well acquainted with it.

2625. I was going to ask you to look at Clause 5 of the Public Bill: "Commissioners to inquire into charity property." Look at line 5: "and every other charity, the property or income of which is applicable within the City of London for the same purposes as any of the said charities, or for similar purposes." Can you state to the Committee what charities of Christ's Hospital you think that clause would affect?—Allow me to read it again, as you call my attention to it. I have not studied it before, but it seems to me, after referring to the parochial charities enumerated in our digest, to say "every other charity, the property or income of which is applicable within the City of London, for the same purposes as any of the said charities, or for similar purposes, hereinafter called the said parochial charities." I take it then "every other charity" means parochial charities. Do you conceive that applies, for instance, to charities that would be under the administration of Christ's Hospital. I saw just now a petition that has been presented by the Governors of Christ's Hospital.

2626. Perhaps you have not read that petition, or had time to go into it?—It was given to me just before I sat down in the chair. In Clause 6 they say, "Under the wills of many of the benefactors of Christ's Hospital the endowments

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ments of your petitioners are charged with payments of varying amounts to charitable purposes, and under the trusts of some such wills your petitioners receive their endowments, subject to charitable conditions." I conceive that any sums that are paid over by the Governors of Christ's Hospital for charitable purposes to the trustees of parochial charities would come under this Bill.

2627. Could you put in a statement of what charities would be effected, and what charities would not be effected by this Bill; the charities referred to in the schedules of the Christ's Hospital Scheme. Do you think any of the charities mentioned in Schedule A. would be affected?—"Endowments administered by the Governors of Christ's Hospital and charitable uses in connection with the educational purposes of Christ's Hospital."

2628. Do you think any of those charities could be affected?—I do not see that any of them would in any way be parochial charities at all, or would come under the clause referred to.

2629. You do not think any interpretation could put those within it?—Certainly they could not bring in Part I., Schedule A.

2630. There are a certain number in Schedule B.?—There are a certain number in Schedule B., no doubt.

2631. Since the Report of the Royal Commission, I believe the Charity Commission have framed no further schemes for the management of any of these parochial charities?—We thought it both respectful to Parliament, and for our own convenience too, that we should not deal with charities in a way which would take them probably out of the operation of a Bill that was then before Parliament, and also because we might find that we had given endowments to purposes which, hereafter, we might find Parliament declared to be inexpedient.

2632. I am sure we are all painfully aware in the present day that the task of legislation for all bodies is somewhat difficult?—Yes.

2633. In the event of legislation upon this subject being postponed, would the evils which at present exist, and which the Report of the Royal Commission disclosed, continue?—Of course they would continue, except that this, I think, would operate, that a large number of parishes who have hitherto carefully refrained from making applications to us, would be very inclined to make application to us in order to obtain a scheme and get the matter settled. I think that has operated in a large measure already; I think there have been in various instances applications to us with an idea of getting the matter settled before Mr. Bryce's Bill came to interfere with them.

2634. You have not shown any disposition at present to satisfy those wishes?—No; some of them, I think, we should have been very glad to have dealt with, only that they desired to have schemes made in a direction which it was not expedient any new schemes should take.

2635. So far as the expenditure of the funds is concerned, that goes on just the same?—No, I think there has been a marked diminution in what we have said has been the application of endowments to convivial purposes; I do not say that it is entirely extinguished, but there has been a considerable diminution of it.

2636. Mr. William Lawrence.] As the Endowed Schools Commission has been mentioned, I should like to ask you, is there an entire amalgamation now of the Endowed Schools Act with the Charity Acts; do you act as Charity Commissioners, and not in separate capacities, as Endowed Schools Commissioners and Charity Commissioners?—All the Charity Commissioners are Endowed Schools Commissioners; but of course the powers given under the Endowed Schools Acts have only reference to one particular class of charities, and we have the power under those Acts of dealing with educational charities that we do not possess under the Charitable Trusts Act.

2637. How long have you had the working of the Endowed Schools Acts in your hands?—The Act was passed in 1874.

2638. The Act to amalgamate?—Yes.

2639. Can you see any prospect of a time when you will have carried out all the duties of the Endowed Schools Act; can you forecast any number of years?—I apprehend that in a very short time the Endowed Schools Act will be, as far as the administration by special Commissioners is concerned, at an end. I conceive it probable that there will be certain of those powers which we now possess continued permanently to the Charity Commissioners; that is what I think

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would be probable. Of course, if Parliament does not pass a special Act for the purpose, we should lose the powers that we already possess.

2640. They expire at a certain date?—Yes.

2641. At what date?—On the 31st December next.

2642. With respect to placing the entire working of either the Public Bill or the Private Bill under the Charity Commissioners, do you consider that you would be able to carry out what you look forward to as the proper way of managing these charities without some other Act to give you further powers; if either Bill became law, do you think it would supply you, as Charity Commissioners, with the powers which you would think necessary for placing the charities on the footing you would desire?—You mean, if the Charity Commissioners were substituted for the new Commission, whether we should have sufficient power to do the work.

Chairman.] There can be no doubt we can put any such provision as we think fit in this Bill to give the Charity Commissioners full power.

Mr. William Lawrence.] I was merely asking the witness's view with respect to either Act.

The Witness.] If either of these Acts is so modified in Committee as to give us the powers that it is proposed should be given to a new Commission, of course we should be able to effect the same changes as any new Commission.

2643. I take it your view is, that if either Act places the Charity Commissioners in the position of the Commissioners named under either Bill, you would think it necessary that there should be additional powers placed in either Bill, in order to give full power to the Charity Commissioners to carry out their views with respect to the charities?—No, I do not think there should be additional powers; the powers that are contained in the Bill would be enough.

Examined by Mr. O'Hara.

2644. Is it your opinion that the duties of regulating these charities would be better performed by the Charity Commissioners than by an independent commission?—It is.

2645. In order to effect that object, would you have, as you said on the last occasion, to strengthen the hands of the existing Commissioners?—Yes.

2646. You said just now that if the duties of regulating these charities were transferred to the Charity Commissioners the hands of that body would have to be strengthened by the appointment of an additional Charity Commissioner and some Assistant Commissioners?—Yes, as I said upon the last occasion, if it is desired that the reform should be carried out within a very limited period.

2647. A period of three years?—Yes.

2648. You think as all of us do, I suppose, that it is desirable reform should be carried out within a period of three years?—I think it is desirable that it should be carried out certainly as quickly as possible.

2649. The proposal that you recommend, of increasing the staff of the Charity Commissioners, differs from the proposal in the Private Bill only by the appointment of a new Commission virtually. What I mean is this, the Private Bill contains a power to appoint five Commissioners to do this work in as brief a time as possible; you say that if the Charity Commissioners are to do it, you would require one Charity Commissioner, and three or four Assistant Commissioners; is not that so?—Yes.

2650. In the one case we appoint a Commission by the Bill, and in the other we should have to provide for additional Charity Commissioners?—As you put it, yes.

2651. That is correct?—Yes.

2652. What would be your view of an entirely independent Commission with the element of the Charity Commissioners on that Commission?—I do not see how you could advantageously provide that a Charity Commissioner should in that way be divided between the duties of two Commissions.

2653. Are

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2653. Are you familiar with the Report of the Royal City Parochial Charity Commission?—Yes, I remember it.

2654. There was one Report which was signed by all the members?—Yes.

2655. There were two other Reports, one made by Mr. Rogers, and the other made by Sir Farrer Herschel and Mr. Albert Pell?—Yes.

2656. In relation to the matter to which I now wish to call your attention, the Commissioners were unanimous. Let me call your attention to what they said on page 10.

The *Chairman* suggested that this was matter for argument, and that it was unnecessary to take the witness through it.

Mr. O'Hara.] Bear with me a moment while I call your attention to the very pointed nature of the question I have put. I am sure if it were fully before you you would see the value of it to the interest that I represent. Sir Seymour Fitzgerald said that he does not see how a Commission can be constituted by our Bill and yet contain any element of the Charity Commission. Now that is his opinion, and nobody respects his opinion more than I do. I want to ask him if he has seen the Report in which the Commissioners unanimously report this: "We therefore recommend the appointment, for a certain time, of an Executive Commission, paid from the funds of the City Charities, to consist of three persons, one if possible to be a member of the staff of the Charity Commissioners."

I was going to say my recollection of it is that it was not provided that a Charity Commissioner should be one, but some member of the staff.

2657. I did not say a Charity Commissioner; I said an element of the Charity Commission?—That is another thing. I conclude that that suggestion was made by the Royal Commission as a way of obtaining on the new Commission some member who had experience of the work of our Commission.

2658. Then, according to you, a Commission constituted as recommended by the Royal Commission, would be more according to what you think a useful Commission than a Commission appointed without any such element upon it?—I have already said that I think it is of great importance that the alteration that would be made in the administration of the parochial charities of the City of London should be carried out by a body having experience; and of course the more experience you get upon that body the better.

2659. With reference to the management of the trust properties, you said, in answer to an honourable Member, who asked you, with reference to the property being handed over, as is proposed by the Public Bill, to a governing body at once, that you preferred to have some local element managing these trusts?—I think it is better that there should be a local element in bodies charged with the administration of the charity rather than that the governing body should be formed without any regard whatever to the locality from which it was to be drawn.

2660. Would you again carry your mind to the 11th page of the Report of the Royal Commission, in which we find these words: "Where the entire income of any trust is to be administered by the Board, the estate or capital fund should pass to the Board;" you would approve of that?—Yes.

2661. "Where a portion of the income is to continue in the present hands for administration, it should be at the option of the present trustees to retain or transfer to the Board the estate or capital fund." Does that meet with your approval?—The Board being?—

2662. Being what is called the governing body?—The single governing body you refer to?

2663. Yes?—Your question is whether I agree with that statement?

2664. Yes?—In the view I take that would be exactly one of the particulars with which a scheme would deal.

2665. You would be for maintaining, in the administration of a fund of that sort, the local element?—I think it is better both for the administration of the property and the application of the fund that there should be some local

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element. I have already pointed out that the local element I contemplate is a very different local element to that which is existing now.

2666. *Chairman.*] You do not mean that all the present trustees should be continued?—Certainly not; it is one of the objections I have to the Private Bill that it does continue these numerous small bodies of administering trustees.

2667. *Mr. O'Hara.*] With reference to the schemes relating to the City, do you know how many have been obtained from the Charity Commissioners in the Court of Chancery; in how many parishes there are schemes?—I have not looked at it. No, I cannot. I think, as far as I recollect since the establishment of the Charity Commission, there have been 28 schemes made upon application.

2668. Twenty-nine, I have it?—Yes.

2669. Let me ask you whether applications have been made in the case of parishes which have not been successful?—There have certainly been some. I can remember one or two, within a very short period, that we have declined to entertain because legislation was probable.

2670. May I put it as high as 15; may I say 15 applications have been made?—If you have got it there, I dare say you can tell me; I have not them before me.

2671. It has been handed to me; I want the information; may I put it at 15?—If you think that that is the right number, certainly. I cannot say that that is the right number.

2672. You talked the other day about Mary Barne's Scheme in St. Margaret's, Lothbury?—Yes.

2673. In that case the official trustees were appointed?—The property was conveyed to the official trustee?

2674. Yes?—Of course, it was made long before I had anything to do with the Commission; but I think you are in error in thinking so.

2675. I can only ask you what I am told; I am told that the property was transferred to the official trustee; if you do not know that, you cannot answer any more questions about Mary Barne's Charity?—It depends on what the questions are.

2676. The question I am going to put depends entirely on the official trustee being there; that scheme was made in 1871, I think?—In 1870 or 1871.

2677. Therefore it has been made 11 years?—Yes.

2678. Can you tell the Committee what benefit has resulted to the parish by the appointment of that official trustee?—Of course, not knowing the circumstances of the parish, I cannot very well reply to that further than that of course the parish has derived the advantages which are derived by all parishes from the vesting of property in the official trustee. Whether there have been any peculiar circumstances as regards this particular parish, I do not know. Of course, there is the absolute security of the money, the avoidance of all responsibility as regards the transfer of funds or conveyance of lands to new trustees, and there is the very punctual receipt of their income that on the very day of the dividends the money is placed at their bankers' disposal.

2679. With reference to the premises in Fleet-street belonging to the parish of St. Christopher-le-Stock, they are vested in the rector and churchwardens of St. Margaret's, Lothbury, under the 2 & 3 Vict. c. 107, s. 100, and the income from them subject to certain deductions, is to be dealt with by the body named in the same section. What would be the use of substituting the official trustee there?—This is a house.

2680. Yes; it is vested in the rector and churchwardens, who have a perpetual succession. Therefore, in that case, the official trustee would be no use?—No.

2681. Do you know whether there are many other cases in the City similar to that?—I should think there were.

2682. In that case there would be no necessity to vest the property in the official trustee?—No; if it is vested in the official trustee, there would be no power of interference whatever on the part of the Commission.

2683. You

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2683. You said just now that one great advantage of the official trustee was the punctual payment of the dividends?—Yes.

2684. Are you aware that in the parish of St. Bartholomew-by-the-Exchange he was two or three years, from 1877 to 1879, in possession of certain dividends?—I am not aware of that fact.

2685. Does the official trustee not take any steps to discover to whom these dividends are to be paid?—In the ordinary way of course he would know who the trustees were, and they would tell him who the bankers were to whom the money should be paid.

2686. Did you hear a statement made with regard to some matters that were cross-examined to by Mr. Baring, with reference to the parishes of St. Augustine and St. Faith, in the Minutes of Evidence before the Royal Commission, Question 3903 to 3908. This is one of the cases in which the official trustee collects the money; he gets the income?—I do not understand what you mean by that.

2687. Mr. Baring asked some questions with reference to the parishes of St. Augustine and St. Faith. I want to refer you to some answers, from 3904 on page 114 of the Minutes of the Evidence before the Royal Commission down to 3908. I want to know whether, in the case of the charities there alluded to, the property has been assigned to the official trustee?—It says, "The corpus of the charity is vested in the official trustee, and the annual income is from time to time invested."

2688. Would you go on to the next?—"What is the amount of the present fund in the hands of the official trustees? (A.) £.1,017. 1. 4. in the 2½ per cent. Annuities. (Q.) Has any other appropriation of the fund been proposed? (A.) No."

2689. And the fact is that the funds there that are vested in the official trustees are not administered at all?—I conclude they have a direction that they shall be paid according to the trusts on which the property is held over to the trustees. The funds may be under a special order of the Board directed to be accumulated in investments. The circumstances to which these questions relate I have not before me.

2690. Perhaps you will read the next question and answer, which I think will give an answer, to your answer, if I may say so?—"Has any other appropriation of the fund been proposed? (A.) No. (Q.) You go on investing, assuming that there may be a claim for an apprenticeship some day? (A.) Yes. We invested something during last year."

2691. *Chairman.*] That appears to me rather to strengthen the evidence given by you, namely, that the official trustee has not the administration of the funds?—In no respect.

2692. Mr. O'Hara.] Quite so. I only wish to allude to it because an honourable Member called attention to this as an instance of the way these charities were dealt with, and I wanted to clear the matter up. I wanted to know from Sir Seymour Fitzgerald, whether this was one of the things that an official trustee can do; go on accumulating the money without any appropriation?—The official trustees must act under the order of the Board or under the directions of a scheme to replace capital. They have certain property in their names, the income of which is paid over to the trustees to apply to the purposes of their trusts. If the trustees have no purpose to which they apply them, of course the money must be accumulated, and it would then go to the official trustees, and the stock purchased by those accumulations would be standing in their names.

The Witness withdrew.

Mr. Henry Longley, sworn; and Examined.

2693. *Chairman.*] You are one of the Charity Commissioners?—I am.

2694. How long have you occupied that post?—Since 1874.

2695. You have heard the evidence given by Sir Seymour Fitzgerald, and I presume you generally concur in it?—Yes.

2696. With regard to the question of the employment of official trustees for charity

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charity funds, have you anything to add to the statement made by Sir Seymour Fitzgerald?—I should like, if the Committee will allow me, to say a word to endeavour to clear up the misapprehension which has, not only in this room, but elsewhere, surrounded the existence of the official trustee, and I think it would clear the matter if I were allowed, so to speak, to trace his pedigree. I think if I could lay before the Committee the necessity for his existence, his position would be made clearer. The definition of a charity is a general public use, and from the earliest time, it is difficult to say how it came about, the privilege of perpetual existence has been accorded by the State in some way or other to charities. That being so, their position of permanence, and their position as public trusts, was found in the course of time to subject them to various disadvantages. First of all their permanence exposed them to vicissitudes which arose in the course of time from the change of circumstances, and other incidents which of course do not affect private trusts, which only exist for a limited time, and are extinguished and rearranged by those having interest in them. Secondly, charities were found to be exposed to this defect, that there was not, as in private trusts, the stimulus of private interest to secure their due administration. So in the course of time they came to be entitled at the hands of the State, not only to the privilege of perpetual duration, but also to exceptional privileges which were accorded to them before the courts. The chief of those were that they were entitled to the benefit of a public prosecutor, so to speak, in civil suits; that is to say, the Attorney General was always there to represent their case to the Court. Instead of the charities being obliged to do it themselves, there was a public official whose business it was to look after their interests. Then secondly, there was this, which is a highly technical matter to refer to, but it is also important as showing the favour with which the charities were regarded. These trusts were looked upon with extraordinary favour by the Courts, and were construed with a liberality which has never been accorded to gifts to private trusts. Then from the earliest times the Court of Chancery has in return for these favours exercised a twofold jurisdiction over charities; that is to say, it has extended its power both to preserving the property of charities and to controlling the acts of those who administer the charities. That control, as I was saying, has existed from the earliest times in the hands of the Court of Chancery, but from time to time that control has been entrusted to other bodies. In the time of Queen Elizabeth, when the Statute of Charitable Uses was passed, to which reference has been made before the Committee, a sort of Commission, the Charity Commission of that day, was established in order to exercise the powers of the Court for the protection of charitable property and the interests of those who administered them. That Commission did not work very well, and the jurisdiction again reverted to the Courts. Then, to state it very shortly, the working of the power which the State exercises over charities by courts of equity was found not to answer the end in view, and things came to such a pitch in the beginning of the present century, that Lord Eldon, who I suppose might be taken not to be a witness unfavourable to the action of the Court of Chancery, said it is “absolutely necessary that it should be perfectly understood that charity estates all over the kingdom are dealt with in a manner most improvident, amounting to the most direct breaches of trust.” That state of things which Lord Eldon indicated in that passage attracted a great deal of attention, and at last, in 1818 or 1819, Lord Brougham procured the appointment by an Act of Parliament, of his celebrated Commission of Inquiry, which sat from 1819 to 1837, and produced 38 folio volumes of report which contained the particulars as to most of the charities in the country that then existed; but in 1835 the House of Commons was not very well satisfied with the progress which had been made by that Commission, and a very important Select Committee was appointed in this House, which was one of the strongest and most representative Committees, I suppose, that ever sat. Sir Robert Peel and Lord John Russell were upon it. Lord Campbell, and Lord Cranworth, as he afterwards was, and Sir William Follett were also upon it. The present Lord Harrowby is, I think, the only survivor of that Committee. The Report of that Committee is really the Magna Charta of the Charity Commission. They made a Report, not a very long, but
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a very weighty one, the recommendations of which will be found in the Appendix of the Charity Commissioners' Report of the present year. They made 20 recommendations, but I do not propose to trouble the Committee, of course, with all those recommendations.

2697. I think it would be well if you could come to the particular point as to the official trustee:—I have just arrived at it. That Committee recommended that certain powers which were not new,—and that is the point of what I have to say,—but which then existed in the hands of the Court of Chancery, should be entrusted to an administrative commission, considering that the Court of Chancery had failed to exercise the control which the State required to have exercised over charities, and amongst other things they recommended that power should be given to the commission to secure the safe custody and the due investment of the property of charities. No legislation took place upon the report of that commission till the year 1853, when, in pursuance of that recommendation, the official trustees were constituted, and that was the point I was anxious to bring to the notice of the Committee, that the official trustee is the representative of a previously existing power, and not of a new power created for the purpose. It seems sometimes almost to be imagined that these powers are new within the last year or two, or are now proposed to be created for the first time, but these powers were not created by the Acts which constituted the official trustees. They had been exercised for hundreds of years by the State, only the agents for their exercise are now the Charity Commissioners acting through the official trustees instead of the Court of Chancery. Then there is of course some distinction between the two sets of official trustees which I am anxious to bring to the notice of the Committee. There is an official trustee of charity lands and official trustees of charity funds. The Committee will bear in mind that it had been established long before the appointment of the Charity Commission and the official trustees, that in the case of a permanent trust, such as are all these trusts in the City of London, the trustees have no power of dealing with or alienating the property, and it is a good deal from the failure of trustees to remember that, that the objection to the action of the official trustee arises. Before the passing of the Acts which the Charity Commissioners administer, the charity trustees had no power to alienate, as they have not now power to alienate, except with the authority of the Commissioners, the corpus of charity property.

2698. Ordinary trustees have no power?—No, that has been laid down by the Court of Chancery over and over again, and I was anxious to make that clear to the Committee.

2699. *Sir Thomas Acland.*] Not with your sanction?—They had no power in themselves to alienate the corpus of the charity property. They always had power, with the sanction of the Court, to alienate charity property, and they now have power, with the sanction of the Charity Commissioners, to alienate the charity property, and so far as guarding the charity property goes, the official trustee does no more than give effect, and very direct and decided effect, to that principle. With regard to the official trustee of charity lands, I should add that the great advantage of his operation is one which lawyers, particularly conveyancers, would easily appreciate. His interposition prevents the legal estate from being lost, and thereby makes the charity property very much more marketable. Where the legal estate is vested in the official trustee there is no difficulty whatever in making a title. Before there was an official trustee very often it was impossible to say in whom it was. Secondly, very great difficulty might arise, and if there is any difficulty in selling charity property it depreciates its value. As regards the official trustees of charity funds, their custody of property is absolute. Nobody can touch it without their sanction. In the case of land of course trustees may sell property, but they can make no good title to it. In the case of funds they cannot absolutely part with it, because the funds are standing in the name of the official trustees at the Bank.

2700. *Chairman.*] If it is a case of land the Charity Commissioners themselves must give their consent to the sale before the official act is done by the official trustee?—Exactly so.

2701. I presume that it is in that respect that these local trustees often think
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that there is an interference on the part of the Charity Commissioners when these lands are vested in the official trustee?—Yes.

2702. They forget that even if the land had been vested in themselves the consent of the Charity Commissioners would still be necessary for parting with the property?—That is exactly the point I wished to bring before the Committee. That irrespective of, and anterior to the appointment of official trustees there was that check on the alienation of charity property.

2703. I presume they suppose the effect of vesting lands in the official trustee is to bring in the action of the Charity Commissioners when any transaction takes place in respect of them?—Exactly so. That is the only way in which I can account for what has been said here and elsewhere. As to income, I should say that the official trustee does not in the least interfere with the income. As to capital, if there is interference with the trustees' dealings with it, it is no more than ought to be the case.

2704. Take the other case, where the property is vested in the official trustees is not land but money: is it, then, necessary that the consent of the Charity Commissioners should be obtained for any change of destination of that investment?—Your question applies to the case where the investment is in the name of the official trustees?

2705. Yes?—The official trustees cannot do anything without the order of the Board. The official trustees are mere machines in the hands of the Board. The Act of Parliament says they are to do everything the Commissioners tell them.

2706. Is the consent of the Charity Commissioners necessary then for a change of investment?—Yes. The official trustees cannot sell any stock without the formal order of the Charity Commissioners.

2707. Supposing the property had never been vested in the official trustees, and had remained in the trustees of the local charity, could they have changed the destination of the investment without the consent of the Charity Commissioners?—As a matter of fact they could.

2708. Then I do not see so great a distinction between land and other property when once it is vested in the official trustee?—No, not when once vested in the official trustee.

2709. Except you may say this, that if it were land then so long as it remained as the original trustees they could not sell without the consent of the Charity Commissioners?—That is to say, they could not make a good title. When you say could not sell, anybody may sell land if they can get anyone to buy it, but they could not make a good title.

2710. But in both respects the management of the funds remains in the local trustees?—That is to say, the management of the income.

2711. Have you anything more to say on that point?—No, I think not, except that it is the uniform practice of the Court of Chancery to vest land and stock in the official trustees in the case of any charity which comes before it. In the case of all endowed schools under the Endowed School Commissioners' schemes, land has always been vested, and it is now the universal practice of the Charity Commissioners to do it.

2712. It has been suggested in evidence before this Committee that there are cases in the City of London where there is private property belonging to the parish which does not come within the official designation of charity. Will you give the Committee your opinion upon that point?—I said, I think, in the beginning of my answer to the first question, that the recognised definition of a charity is "a general public use;" and it is the element which is indicated by the word "public," which entitles it to the condition of permanence, and it is difficult, or it seems to me impossible, to say that anything is at the same time "charity" and "private," because whatever is private must be subject to the rule against perpetuities, which prevents the creation of a permanent trust. If a donor desires to secure the advantages of permanence, he must at the same time give a public character to the trust which he creates. That has been decided over and over again in cases where the question has been whether a gift is, or is not, a charity. The Court then inquires whether it is, or is not, a public use. If it is a private use it would at once say, "this trust is void as sinning against the rule with regard to perpetuity." Therefore I fail to see altogether, as was said

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said in the case of *The Attorney General v. Webster*, and the other cases mentioned to the Committee, how it is possible that the trust can be at the same time charitable and private.

2713. Then in your opinion no distinction can be drawn between the cases mentioned and charity property in the ordinary acceptation of the term?—None whatever. That has been decided in *The Attorney General v. Webster*, and also in a case with which I had some concern, but which unfortunately is not reported, with regard to St. Bride's, Fleet-street. That case was appealed, and the late Lord Justice James decided the case virtually, not by any judgment, but by continually asking the counsel arguing in support of the private character of the charity, "What is it if it is not a charity?" Of course, the meaning of that question was: "how do you justify a permanent continuance of this trust if it is not a charity?" and that virtually decided the case.

2714. Take one of those cases which have been alluded to before this Committee, namely, property vested in the parish for what is called parochial purposes; if any such case came before the Court of Chancery, in your opinion it would be held that, such property being subject to general uses, was therefore a charity within the technical meaning of the term?—I should not have the slightest doubt of it.

2715. Now, with regard to the powers of the Charity Commissioners to make schemes for an aggregate of charities within a particular parish or district, have you any opinion to express on that point?—Of course, as in the case of some of these City parishes, we have had applications for schemes. I have some here which include 40, 50, or 60 charities in a particular parish. Then upon a proper application we can make schemes for a particular parish. So far one would be able to act, but when you come to deal with an aggregate of parishes, and especially an aggregate of parishes in which the charities have with regard to the great mass of them failed years back, as Sir Seymour Fitzgerald said, I do not think we should be able to deal with them under our present powers.

2716. In the case of a particular parish where there were several charities, would it there be necessary for you to obtain the consent of each individual charity?—Yes, we should be obliged to do so; that is to say, whenever a charity was over 50 *l.* a year in value we should be obliged to have an application from the majority of the trustees; if it was under 50 *l.* we could act on an application from one trustee, or two inhabitants, or from any person interested, or from the Attorney General.

2717. You could not then deal *in invitum* as against any particular charity?—No.

2718. And in the case of an aggregate of parishes, such as that of the City of London, you are quite unable to make a scheme for the whole?—Yes.

2719. Still more so, I presume, where it is thought desirable to extend the benefits of the charity to other districts?—Yes. I think the passage that has been so often referred to in our 24th Report states that far better than I can state it now.

2720. Do you think it desirable that the Charity Commissioners should have a more general power of that kind of dealing with aggregates of charities?—Yes, I think so.

2721. And, at all events, in the special Acts now before the Committee, I presume you think it desirable that powers should be given?—Certainly; many of these charities are lying idle for want of such a power.

2722. Have there been any application to the Charity Commission by any of those City parish trustees?—Yes, of late years. During the last two or three we have had several; but, as I think the Committee have been told, we have not thought it right to interfere with them, but the applications have considerably increased within the last two or three years.

2723. Since the Report of the Royal Commission?—Yes, I think I may say so.

2724. Sir Seymour Fitzgerald told us you had not thought it right to deal with them pending any general legislation on the subject?—That is so.

2725. Now, with regard to the question of the constitution of the Charity Commissioners to exercise the power given by either of these two Bills now before the Committee. Will you express your own opinion as to the power of

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the Charity Commissioners to deal with these questions?—The power of the Charity Commissioners to exercise the power proposed to be given by the Bill?

2726. Yes. They have no power at present?—No. I do not think I have anything to add to what Sir Seymour Fitzgerald said; I fully concur in what he said as to the efficiency of our staff.

2727. As to the expediency of conferring on them these powers in lieu of constituting a new Commission?—Yes; it seems to me that you have a considerable body of men who are dealing every day, and all day, with this subject, and that there must be an accumulated fund of experience which it would hardly be wise to disregard.

2728. You have Assistant Commissioners who have inquired into many of these very cases themselves?—Not Assistant Commissioners, but our Inspectors, who exercise many of these functions. Mr. Hare, whose name is well known, has inquired into almost all the City Charities, but that is a long time ago.

2729. He has personal knowledge of a good many of those individual charities?—Yes; and we and our staff have personal knowledge of a good many of the administrators of these charities. We know them personally, and have been for years in continual communication with them, not only by letter, but personally, and we have a considerable insight into the way in which the trusts are administered.

2730. You would, therefore, start upon any general inquiry into these charities with a great deal of knowledge already acquired?—I think so.

2731. What new powers are necessary to the Charity Commissioners in order to deal effectually with these City charities?—First, and above all, the power of imputation, which is conceded, I think, by both Bills, is absolutely necessary, of course. It requires no argument in support of it, that anybody dealing with these charities should have that power. Then there is a most valuable power which is absolutely necessary, particularly with regard to the charities included in the question you asked me just now, those that have been called private trusts; namely, the power of enforcing discovery. No Commission, I think, could deal usefully and effectually with the City charities without very stringent power of inquiring into those trusts, and I may add that I do not think any Commission will succeed that does not institute inquiry in the City of London. I do not think it would be of any use sitting in Whitehall or Victoria-street, but the inquiry must be held in the parishes to which they refer, and that power which is given will be very useful for that purpose.

2732. Judging from your past experience in dealing with other charities, should you expect a considerable result from an inquiry of the nature you refer to?—Yes, I think so; I, myself, have come across two very considerable cases in which property has been withheld. One was the case of St. Bride's, Fleet-street, which I mentioned just now, where we certified to the Attorney General, and in which it was held that the property was charity property. Another was the case of an important parish, which I only discovered accidentally the other day. I do not mean to say that it was purposely withheld, but it was mentioned accidentally in some accounts that were referred to us, and that drew my attention to it, and so I should expect there would be some considerable result from that inquiry.

2732. Was that a City charity?—That was a City charity.

2734. How did it come before you?—The rent of the property was included in some accounts rendered to us of what the trustees considered to be charity property, but the trustees, being churchwardens, laid before us also the churchwardens' accounts, and so in that way the item came to my knowledge. I inquired about it, and I was told by the vestry clerk it was not considered that that was a charity. It has not yet been decided that it is a charity, and therefore I would rather not mention the name.

2735. Would it, in your opinion, be necessary to add considerably to your staff for the purpose of dealing effectively with the City parochial charities?—Of course, as Sir Seymour Fitzgerald said, it is in a great measure a question of pace, how fast you are to go; I do not know that I should put it quite so strongly as Sir

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Sir Seymour Fitzgerald as to the increase of staff. I think the great bulk of the work would be the preliminary inquiry. Whoever undertakes this work must institute a very searching inquiry into the charities in the City, and that would be the bulk of the work that would require the services of Assistant Commissioners. When the Commission, if at all, come to make schemes, I think the work would be simpler than is perhaps generally thought.

2736. How would that preliminary inquiry be held; by the Charity Commissioners themselves, or would it be delegated to the Inspectors?—I think it would be delegated to Inspectors. That is the way we have always worked, and the way the Endowed School Commissioners have worked. We send an Assistant Commissioner to the locality, as Sir Seymour Fitzgerald described.

2737. Would two Inspectors go together, or each separately?—I should think it would not be necessary to send more than one to each place.

2738. And they would hold these inquiries locally?—Certainly, locally. I should anticipate very insufficient results from an inquiry not held in the vestry room of the parish. What I should like to see would be the Inspector at work in the vestry room with the parish chest open before him.

2739. Mr. Talbot.] You might divide the City into different districts, and have several Inspectors each working a district?—You might divide it in that way.

2740. Chairman.] Do you know how it is proposed to be done in the City Bill?—I think the City Bill gives the same power of discovery.

2741. To whom is it given?—It is given to the five Commissioners. I do not think there is any difference between the two Bills in that respect.

2742. Mr. O'Hara.] They are identical?—What I am saying is that a local inquiry is not a point of difference between the two Bills at all. That is my own idea as to how the inquiry should be carried out; it would be quite as easy to do that under the City Bill as the Public Bill.

2743. Chairman.] The chief work thrown on the Commissioners would be the early part of the business, namely, on the preliminary inquiry?—Yes; I think one is apt to consider that the latter part would be heavier than the earlier part would be; but it seems easier if you compare it with the work of regulating the endowed schools. In that case we have to make separate schemes for each school, but the essence of this work is that you are to bring everything to a focus, and not make a great multitude of schemes.

2744. Sir Seymour Fitzgerald was of opinion that in the first instance it would be necessary to add one to the number of Commissioners in the early part of the inquiry, and when you came to determine on the schemes themselves, that possibly two would be required; is that your opinion?—I think you would certainly want one in the first instance, because it is quite impossible that our current work can be allowed to get into arrear. The nature of our work is in a great degree urgent. It would be impossible for us to postpone the sales of charity properties where purchasers and lessees were ready to come forward, and therefore we should be obliged to have some assistance at first.

2745. Would it be possible to distinguish the cost thrown on your Commission by this special inquiry, and the special business, with a view to charging it upon the City parochial charities?—I think it would be very difficult; I think the work would be so mixed up with the other work.

2746. Is it your opinion that the cost should be thrown on the City parochial charities?—Yes.

2747. Then how would you propose to do it?—It would be possible to impose a stamp upon schemes that were made or upon accounts that were rendered. That was the plan proposed by the Bill of the late Government, that all accounts that were rendered should be impressed with a stamp. But I think it would be rather difficult to distinguish the City charities from other charities in that matter.

2748. That raises rather a more general question as to dealing with all charities; but supposing this Committee were of opinion that it is desirable that the increased cost to the Charity Commissioners of throwing this work upon them should be borne by the City charities, is there any way in which you can suggest that that should be carried out?—I suppose the Treasury might say, "any

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addition we make to your staff we will carry to a separate account." It is a question for the Treasury. I suppose that could be done, and I do not see why it should not be done.

2749. What has been the practice of the Charity Commissioners with regard to doles, when they come to deal with doles?—We have been in the habit of applying doles to some of the purposes which are mentioned in these Bills. We allow the trustees to apply them in subscriptions to provident clubs, to hospitals, and in other ways to promote thrift amongst the poor; outfits for children, coal clubs, clothing clubs, and the like, very much in the same way, only not with such extended scope, as the proposal for the new trusts in this Bill.

2750. I suppose the policy of the Commission has been rather against leaving the doles as they are?—Very strongly, and very decidedly.

2751. And in all cases that have come before them they have endeavoured to divert the money to some better use?—Certainly; and we have been very much encouraged and strengthened in that by the decision in the case of the Camden Charities at Kensington, to which Sir Seymour Fitzgerald referred.

2752. What was that decision?—That was a decision which dealt very stringently with doles. It is referred to in our Report for this year, at page 10, and we give there the words of the Master of the Rolls as to dole charities. In speaking about that case we say: "In the case of dole charities, too, a literal adherence to directions for the general distribution of doles of money received an unqualified condemnation from the Court as 'a practice which would be more honoured in the breach than in the observance,' and as to which there is no doubt that it tends to demoralise the poor, and to benefit no one. The extension of doles is simply the extension of mischief." Of course that strengthened our hands very much in dealing with dole charities.

2753. Has any application been made to your Commission by any of the City parochial trustees on the subject of expending their charity money on Parliamentary inquiry upon the Bill now before the Committee?—Yes, there have been four applications.

2754. Have you expressed any opinion upon that subject?—Yes. I think I can tell the Committee what our answer was, that the expenditure was such as we did not feel ourselves justified in sanctioning. I think those were the words.

2755. From whom did the application come?—I have not got a list of the charities. They came from the trustees of the charities of four parishes. I think the honourable Member for the Tower Hamlets has a list of them. I furnished him with a list.

2756. You considered the case, and you came to the conclusion that you were not justified in sanctioning the expenditure?—Yes.

2757. Perhaps you will afterwards put in a list of the applications that have been made?—Certainly; a list has been prepared, but I do not think it is in the room.

2758. Do you know whether, notwithstanding that opinion, the money of the charity funds has been so expended in this particular case?—No. The accounts of charities are due on the 25th March, Lady-day; but of course they are not sent in always to the day. There has been a considerable delay in sending in the accounts of the City trustees this year, and we have not received the accounts of any one of those four parishes, so I am not in a position to tell the Committee that in any of those four cases the money has been so spent.

2759. What would be your course supposing, after that intimation, you find when the accounts are sent in that the money has been so expended?—I should like to read a few words to the Committee from a judgment of Lord Eldon's, on which we proceeded. This is a case which was cited, I think, by the Attorney General in the House of Commons a short time ago, when a question was asked on the subject, and it is reported in the 2nd Russell's Reports, page 501: This was a case of *The Attorney General v. The Earl of Mansfield*, in which the trustees had made an application to Parliament, which was unsuccessful. Lord Eldon said: "I do not wish to be understood as expressing any disapprobation of these applications; but, upon looking into the subject, I find it impossible for me to allow them these costs, though I have no disinclination to do it if

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I had authority." Then he also says: "There have been, within my own experience, many cases of application by trustees of charities to Parliament, which have failed; and I recollect no instance where the Court had not authorised the application, in which the parties have had their costs." Therefore, in answer to your question, I think, in view of that judgment of Lord Eldon's, it would be for us to see what the fate of the Bill is. Lord Eldon indicates that course. Of course, if the Bill is passed, it will be a successful application, and no doubt there will be a provision made in the Bill for the costs, and in that case we shall be relieved from considering it.

2760. But supposing the reverse occurred, and the Bill failed, and some other Bill passed, what would then be the course of events?—I think we should then have to consider whether we should certify to the Attorney General the fact that the trustees had applied their funds in aid of the costs of an unsuccessful application to Parliament, and that case, I apprehend, would to this extent differ from the case before Lord Eldon, that in that case they had made the application without asking anybody's leave in the first instance, but here the leave would have been asked and refused.

2761. And the application to Parliament would have been unsuccessful in the case you supposed?—Yes. That is the hypothesis on which I was answering that part of the question.

2762. Are all the charities in the City of London bound to send in their accounts?—Yes, all charities in the kingdom are bound to send us annual accounts.

2763. Would it appear, from those accounts, if properly drawn out, how much has been expended in Parliamentary inquiry?—If the accounts are properly rendered it should so appear. It is the custom, wherever money has been spent in legal costs, to indicate it under a separate item, and I may say that in the case of one charity, the accounts of which have been received since Lady-day, there is an item of expenditure in promoting this Bill. That is not one of the four cases in which leave was refused, but it was brought to my knowledge just before the last meeting of the Committee. Our Registrar of accounts showed me one account in which the sum of ten guineas had been contributed to the expenses of this Bill, and the whole income of that charity was less than ten guineas. It was eight guineas. Happening to have a surplus, they had 14*l.* altogether; they have spent ten guineas in promoting this Bill.

2764. Was that a *pro rata* contribution?—I have no information on that subject.

2765. What was the specific nature of the applications made to you in this matter. Were they applications as to expending the money in applying to Parliament for the City Bill, or for the purpose of resisting the Public Bill?—For the purpose of promoting the Private Bill.

2766. Were any applications made at an earlier date as to the power of the trustees to apply money for the purpose of resisting the Public Bill?—I do not remember it.

2767. Mr. Bryce.] Would you turn, if you please, to Section 10 of the Private Bill, and to the last three lines of that section. Taken in connection with the earlier part, have you any opinion to express as to the effect which they would have in controlling the Executive Commission, whether the Charity Commissioners or any one else, in conducting this inquiry?—It seems to me that if those words were retained in the Bill they would have the effect of withdrawing a very large and very important part of the charities of the City from the operation of the Bill.

2768. Have you any opinion to express on the subject of the preference which in the end of Section 12 of the Private Bill is suggested for the inhabitants of the City?—If a charity for the benefit of one parish in the City fails, I fail to see why you are to draw the next line at the boundary of the City, or why you should stop there. I have not been able to see the reason for that.

2769. Would you turn for a moment to Clause 16 of the Private Bill. Can you express an opinion upon the provision that is introduced that schemes framed

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framed by the Commissioners should not affect any property which is now governed by a scheme made within 50 years, unless with the assent of the governing body?—I think I should give the same answer as I gave to your question on Section 10, that it would have the effect of withdrawing a large and important part of the charities of the City from the power of the Bill, and that Sections 16 and 10 taken together would have the effect, I should have thought, of making it hardly worth while to pass such a Bill.

2770. In your view, I suppose, the fact that the scheme has been framed within 50 years, constitutes no reason at all why it should be exempted from the operation of the Bill?—None whatever. We and the Court of Chancery are frequently altering schemes made less than 50 years ago.

2771. Is it your experience of trustees that wherever a scheme is not working perfectly well, the trustees are sure to come and ask for a new scheme?—That is not our experience.

2772. Perhaps you will tell us what your experience is on such matters?—Our experience, and when I say our experience I mean not only the experience of the individuals who are now the Charity Commissioners, but the experience of those who were Charity Commissioners before us, is that very often the people who alone could make application, are those who are misappropriating and maintaining an imperfect and improper administration of the charity funds, and in consequence decline to take the necessary steps to have that administration altered. That opinion has been repeatedly expressed for the last 20 years in our annual reports, and urged as a reason for giving the Charity Commissioners the power of initiation in making schemes. I am not speaking now of City charities only, but of charities generally.

2773. Do you agree with the opinion expressed by Sir Seymour Fitzgerald as to the length of time it would take the Charity Commissioners to do the work, supposing the increase he contemplated was made to their staff; I think he suggested three years?—I think in his evidence the other day he said three years or five years, though he said three to-day. I should be very sorry to commit myself as to time, because I have had some experience of the very great difficulty that would attend the conduct of the necessary preliminary inquiry.

2774. Do you not think there would be considerable difficulty, or, at any rate, that it would require very full and mature consideration to decide on competing schemes for various public and beneficial objects?—If you have only a few schemes I do not see that it would take so long, because while the inquiry was going on that question would ripen.

2775. It would be a question of great public importance?—No doubt it would require most anxious consideration.

2776. Would you give us your opinion on the constitution of the new governing body proposed by the Private Bill?—I think, in the first place, it would be very much too large.

2777. Will you also give me your opinion on the constitution of the new governing body as proposed by the Public Bill?—I think the number is very much more manageable, and I have nothing to say against the number. The only point I should be inclined to criticise, and perhaps it is only a small criticism, is that one person is to be elected by the churchwardens of the parishes enumerated in the first and second Schedules of this Act. I should question the propriety of treating the churchwardens of the parishes as the only representative people in the parishes. I have always been very much struck in dealing with City parishes with the fact that the important ratepayers, as far as one knows them, and one knows how many important and rich people there are in the City, are conspicuous by their absence from any connection with the City trustees.

2778. You do not think the existing trustees of the City charities are fairly representatives of the ratepayers of the City of London?—I do not think so at all.

2779. You would prefer a system which, so far as it represented the localities, should not represent them through the existing trustees?—Yes.

2780. What is your view with regard to the provisions of the Public and Private Bills respectively as to the continuance in office of the existing trustees

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of the City charities. The Private Bill, you will remember, proposes to maintain them and keep up this large number of existing bodies in the management of the property, and the Public Bill proposes to supersede them, except in five large parishes?—I think it would be absolutely impossible to carry out any good reform of the City charities if all the existing administrative bodies were maintained. To say no more, the enormous number of these bodies is sufficient to create a very serious obstacle in the way of dealing with the City charities.

2781. And I presume a considerable saving would be effected in expense?—I have no doubt. The administrative expenses must necessarily be very greatly diminished if you diminish the number of governing bodies.

2782. Do you think it might be desirable while retaining the new governing body, proposed by the Public Bill, to promote the creation of minor or subordinate governing bodies with a view to particular objects and purposes, towards which the charity funds should be applied. You heard what was said by Sir Seymour Fitzgerald on the subject?—Yes, and I agree generally with what Sir Seyn our Fitzgerald said on that particular point. If I were to have anything to do with the administration of the powers of this Act, I should be unwilling, I think, to be compelled to entrust the whole administration to one governing body. I do not for a moment say decidedly that it ought not to be so entrusted, but I think the body which has to work the Act should have some discretion as to the number of bodies to be entrusted.

2783. You do not contemplate a large number of bodies, I presume?—No, because then we should be getting back into the mischief we started from.

2784. Do you not think also that Parliament would require that there should be some provision in the Act establishing the Commission with regard to the nature of the constitution of the governing body or governing bodies?—Yes, I think that would be quite probable.

2785. Do not you think it would be too important a matter to leave it entirely to the discretion of the Executive Commission or of the Charity Commissioners?—I should expect that Parliament would prescribe some lines on which the governing body should be constituted.

2786. Does it appear to you to be a suggestion worth considering that while this new governing body should subsist for the purpose of managing the property, that the application of the property should be delegated to subordinate governing bodies in something like the same manner as the governing body of Dulwich College, together with subordinate governing bodies you purpose to create?—I see no objection to that. That is a mode of dividing the administration with which we are familiar.

2787. But you would think it better that the number of minor governing bodies, supposing them to be created, should be comparatively small?—I think so.

2788. I suppose I may take it you think it absolutely necessary for any proper reform of these City charities, that they should be dealt with in a comprehensive way and all together?—Yes, the passage in our 24th Report, I think, expresses my view on that point entirely.

2789. Would you look for one moment at the 12th Section of the Private Bill, and the words in the second Sub-section B. on page 22. "For the application of so much of the income of the property scheduled as general charity property to such of the objects and purposes to or for which the same is now applied as may be fitting and proper for the due fulfilment thereof." Would you compare with those the words in Section 15 of the Public Bill, Sub-section C.: "to such of the objects or purposes to or for which the same are now applied, as the Commissioners may think proper and legal and substantially beneficial to the inhabitants of the parish in which the same is now applicable, or to any class thereof." Now, comparing those words, would you express any opinion upon the words in Sub-section B. of the City Bill?—I think they are not so clear as the words in the Public Bill. They may be taken to mean the same thing. I prefer the Public Bill because I think it is clearer.

2790. Does it not appear to you that under Sub-section B. of the Private Bill might be held that the Commissioners were bound to apply the income to the existing object, whether good or not, upon the ground of the words "due fulfil-

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ment"?—I think there is that danger, and for that reason I prefer the Public Bill.

2791. Mr. *Walter James*.] You stated to Mr. Bryce that you thought, although it was difficult to say, that the object of the Bill might be carried out in between three to five years; is that your impression?—Yes, I should think it might if there was sufficient staff. It is in a great measure a question of staff.

2792. Are the powers of opposition on the part of the opponents of the scheme more particularly in connection with schemes put forward, by these bodies in the City, considerable?—Yes; the power possessed by all trustees of obstructing any power that Parliament has ever yet given to any Commissioners is very considerable.

2793. Do you think that the powers of opposition which they use might be designated by what now is commonly called "obstruction." Do you think it would amount to obstruction?—They have that effect very often.

2794. But under this Bill do you think it would be possible to make use of the preliminary inquiry, and that obstruction would be carried out to a great extent. Do you think it would be possible that the objects of the Bill might be delayed for a long time in consequence of opposition in the course of a preliminary inquiry?—It is conceivable, I think, because the Commissioners are directed by both Bills to inquire into the question whether or not, given property is trust property, and there is an appeal, no doubt very properly given, against their decision, and if their decision was questioned and carried to a court of law, in 10, 15, or 100 cases it would have the effect of delaying proceedings.

2795. In that case I am afraid it would take rather more than three or five years?—Quite possibly; and for that reason I should be unwilling to tie myself to any definite time.

2796. You stated you had some acquaintance with the administrators of the charities?—Yes, our staff know a good many of the administrators of the City charities very well.

2797. I imagine, as they seem to have been active in promoting schemes of late, you hardly think it likely they are gentlemen who would place great obstacles in your way in carrying out the provisions of this Bill in the event of its becoming an Act of Parliament?—I should like to wait until I saw what they did; I will not anticipate evil.

2798. It is not a matter in which you could express an opinion?—No, I should be sorry to express an opinion in anticipation.

2799. Have the administrators shown great anxiety to promote schemes?—I do not think the bulk of them have. It is fair to say that in some of the charities, particularly in the larger parishes, there have been some considerable schemes made. I have been concerned myself with three considerable schemes which have been promoted for an improved application of the funds, but not such a good application of the funds as would be made under the powers proposed to be conferred by this Bill.

2800. Are you acquainted with the names of the firm of solicitors on the back of the Private Bill?—The only firm I know is Messrs. Baylis & Pearce. I know Mr. Freshfield personally, but I have had no communication with him officially.

2801. Have any of those firms whose names are on the back of this Bill been active in the preparation of the schemes to which you have referred?—Messrs. Baylis & Pearce's firm conducted the application for a scheme for St. Giles, Cripplegate.

2802. Is that one of the schemes you had in your mind?—That is one of the schemes I had in my mind. I have been in continual communication by letter, and personally with Mr. Pearce, for the last seven years, I think, on the subject of the charities of St. Giles, Cripplegate.

2803. Have they shown great anxiety about that scheme?—Yes, a great deal was done with regard to that scheme by them.

2804. That is not exactly an answer to the question?—Yes, Mr. Pearce promoted the scheme, and it was his trustees who made the application necessary to enable us to make the scheme.

2805. Did

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2805. Did Mr. Baylis also promote the scheme?—I have never seen Mr. Baylis, and I have never had any communication with him at all.

2806. I should like to ask you with regard to Clause 24 of the Public Bill, which gives the Committee of Council on Education power to approve schemes; do you think the Committee of Council on Education is a satisfactory body to approve these schemes?—I confess I was a good deal surprised at seeing it inserted in the Bill, and the only way I could account for it was that was the clause taken in other respects from the Endowed Schools Act.

2807. Can you suggest any better alternative?—It has always seemed to me that, if I may venture to say so, perhaps a more efficient body for that purpose would be a special committee of the Privy Council, such as the Universities Committee. That is a suggestion which has already been made in respect of dealings with charities generally; in our Twenty-eighth Report (for 1880) p.11, we mentioned it thus: "It is in our opinion essential that the exercise by any administrative body of the comprehensive powers here indicated" (*i. e.*, for the revision of Charitable Trusts) "should be subjected to the control of an appellate tribunal of the highest authority, which should probably be constituted specially for the purpose, and should not be exclusively judicial in its character."

2808. Have you found that the Committee of Council on Education in connection with the schemes under the Endowed Schools Act has not been altogether a satisfactory body for you to work with?—I do not say that, but then those are educational questions. These are questions which are in a great measure beyond the scope of the functions of the Committee of Council on Education.

2809. Mr. Bryce.] You do not mean to say you do not think some revision of that kind would be found useful in the way of inspiring public confidence?—I think you must have some body that would inspire public confidence, and stand high in public estimation.

2810. There is no such body at present?—No; there is no such body at present.

2811. Sir Thomas Acland.] Are you of opinion that it would be better to have an administrative body, or a legal body?—One main reason why it seemed to me that there should be such a committee is, that on a committee like that you would have members of administrative experience, and of legal experience too. It would be more an administrative than a judicial committee. I should not like to see such a committee a purely judicial committee. It would be very desirable to have some legal members on it, but I should hope to see members of great administrative experience, such as sit on the Universities Committee, and I think that would be a body that would have public confidence most thoroughly.

2812. Mr. Bryce.] Do you think the Privy Council contains a sufficient number of people of that kind who have leisure for such work. I ask that question, because of the difficulty of finding people who combine leisure with special knowledge?—The work of such a committee under this Bill would be very slight. The work of the Education Department in approving the very numerous schemes under the Endowed Schools Act, I take it, does not occupy a very great part of the time of the staff there. The questions are generally limited to one or two points. Of course such a scheme as Dulwich College is another matter. That is a large affair, but they do not come very often.

2813. Mr. Walter James.] The Chairman asked you some questions about the expenses connected with the promotion of this Bill, and generally with regard to the expenses of the Charity Commissioners being borne by the charities. All attempts which have been made to deal with the subject have proved, up to the present time, entirely abortive?—They have.

2814. Could you suggest any clause, or any method, by which the expenses connected with the promotion of this legislation could be thrown on the charities?—I do not think I could suggest anything better than is suggested in the Public Bill, that the Commissioners should assess it. If you are going to deal with them exceptionally, that is differently from other charities; I do not see how you can do it in a better way.

2815. Mr. Bryce.] The Public Bill provides not for the expenses of legislation, but for the expenses of working out the Act?—I beg pardon. There are expenses of the Private Bill, no doubt.

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2816. Mr. *Walter James.*] The expenses of carrying out the Act. Could you suggest any method by which the expenses of this inquiry should be provided for by Parliament out of the charities?—I think so; in the same way as the Public Bill proposes to provide for the expenses of carrying out the Bill, so that the Commission, or whoever it is that has to carry out those powers, should be authorised to assess the costs of this inquiry, and charge them in some rateable proportion on the charities.

2817. Do you think that Clause 40 in the Public Bill, "The Commissioners shall determine in what proportion such salaries and expenses are to fall upon the several sums so carried over under each scheme, having regard to the respective values of the endowments dealt with by such schemes respectively," affords any difficulty; do you think there would be any difficulty in carrying that out?—I do not think so. It seems to give the Commissioners very full powers. I think, as long as the hands of the Commissioners are free, they would be able to do justice to the different interests.

2818. Mr. *Bryce.*] Comparing the condition of the City charities with that of other charities over the country generally, do you think that a special reason for paying the expenses of the making of schemes, and of the inquiry generally, out of the funds of the City charities may be found in this fact, that there is probably no other case in the country where so large a diversion from existing purposes which have failed, to new purposes, would be necessary?—I think that is quite the case; I know of no such case.

2819. And therefore there is rather a stronger case than there would be in other cases for throwing the charge of the inquiry on the charity funds?—I suppose it is only a question of degree; but the difference of degree is very considerable.

2820. It is only a question of degree, but still a great difference of degree may be a reason for different treatment?—Yes.

2821. Mr. *Cubitt.*] I think I understood that you were unwilling to fix any limit of time that it would take your Commissioners to carry out these arrangements?—Yes.

2822. But do you consider that you could do it quite as quickly as a separate Commission?—I should think we could do it more quickly.

2823. Providing your staff were sufficiently reinforced?—Yes.

2824. No doubt you are aware that there are more civil parishes in the City than ecclesiastical?—Yes.

2825. I suppose the number of civil parishes which still remain is a very great impediment to working these charities?—Very great indeed.

2826. And as far as you have gone into the question do you know any reason why it is necessary that so many civil parishes should be left, or why they should not be amalgamated in the same way as ecclesiastical parishes would be?—I know of no reason; but I know of some reason why they should not remain separate.

2827. The poor rate is uniform all over the City?—Yes; I may say I have had a good deal of experience of the City parishes in a post I previously held as Inspector of Poor Law for the metropolis, and I there found that the number of the City parishes was a serious obstacle to the administration of the poor law.

2828. Would you go so far as to say that where an ecclesiastical union has taken place, a civil union shall also take place?—I do not know enough of particular cases to speak to them, but I think it would be a great advantage that there should be a union of civil parishes for administrative purposes.

2829. Even the ecclesiastical accounts, where they have been ecclesiastically united, have not been amalgamated?—I believe not, but I cannot speak with any knowledge of my own upon that.

2830. Mr. *William Lawrence.*] You have stated that you think it would be most desirable that the Charity Commissioners should have added to their powers the power of initiation and the power of discovery?—Yes.

2831. I understand that several Bills have been introduced to Parliament with that object?—I do not think any Bill has been introduced into Parliament before Mr. Bryce's Bill of last year, which proposed to confer the power of discovery upon the Charity Commissioners. There have been two Bills introduced into

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Parliament which proposed to confer the power of initiation, one by the late Government and one by the present Government.

2832. Up to the present time Parliament has not acceded to the wish of the Charity Commissioners to give them additional powers of initiation; in fact, to give them the power of a roving commission throughout the country upon all charities of whatever kind. Parliament has declined up to the present time to give them those powers which they have asked for?—Yes, the powers asked for have not been given.

2833. Do you think it would promote the smooth working of the Charity Commissioners if they had those powers of initiation against the feelings of the trustees of the various charities throughout the country?—Yes, I think it would; I think we should be able to satisfy the trustees that we were doing the best for the charities.

2834. Was not there an endeavour in one of the Bills brought before Parliament to transfer very large powers from the Court of Chancery to the Charity Commissioners?—I believe last year there was a proposal to transfer some powers; I do not think they were very large powers. I have the Bill here.

2835. There was a Bill, I think, before the Bill of last year?—There were two Bills, one brought in by Lord Cairns in 1879, I think, and the other brought in by the present Lord Chancellor last year, and I think they both proposed to transfer some powers from the Court of Chancery.

2836. Was there not a Bill about 1872 and 1873, or about that time?—That was before I was a Charity Commissioner; I think there was a Bill in 1871, but I cannot tell you particularly the provisions of that.

2837. Which really prevented the trustees of charities from going to the Court of Chancery; shut the doors of the Court of Chancery against them, and transferred the powers of the Court of Chancery very largely to the Charity Commissioners?—I cannot speak at all as to that, but with regard to the Court of Chancery I should wish to say that the doors of the Court of Chancery are completely shut to trustees now, unless they are opened by the Charity Commissioners. None but the Attorney General can go to the Court of Chancery now without our certificate.

2838. But up to the present time these very large powers which are sought by the Charity Commissioners, Parliament has not thought it advisable to entrust to them?—The Bill has not become law.

2839. I understand that, with regard to the charities of the City of London, you consider that inquiries into those charities ought to take place on the spot, in the various parishes?—Certainly.

2840. With regard to the trustees of the charities in the City of London, I do not understand you to say they have in any way concealed in their accounts charities which they are the trustees of?—I think it has been more in the belief that certain properties were not subject to the charitable trusts, that they have not included them in the accounts in which, according to our view, they ought to have been included. With regard to the case I mentioned just now, there certainly was no wish to withhold the fact of the existence of this property in the parish, because it was incidentally mentioned in the very accounts relating to the charities.

2841. The trustees considered that there were funds under their administration not coming within the definition of charity funds, and according to that view they have not hitherto furnished the accounts of those funds to the Charity Commissioners?—No.

2842. Their view being, perhaps wrongly, that those funds were not properly charitable funds?—I understand that is so, from what I have heard in this room.

2843. I think you said you had had some communication with Mr. Bryce in the matter; may I ask whether Mr. Bryce's Bill was placed in your hands before it appeared in the House of Commons?—No, I did not see it before it was brought in the House of Commons; I saw it for the first time after it was brought in.

2844. Now, with regard to the expenses of the administration of the charities being imposed upon the various charities throughout the country, I think you

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said it might be done by way of stamp duties. Do you think, in the present state of feeling, it would be possible to pass any Act of Parliament charging the expenses of the Charity Commissioners upon those charities?—Judging from the experience of 1878, I should think there would be some difficulty in passing such a Bill.

2845. Was it not stated, in reply to that attempt, that all sums left for charity pay 10 per cent. duty, and that if that sum were put aside, the interest on it would pay the expenses of administering the charities?—I do not remember hearing that stated. Of course it is the case that every legacy to charity pays 10 per cent.

2846. And if that were invested, the interest of that sum would pay the expenses?—I have not made that calculation.

2847. And you are not aware that that has been stated?—No. I know that a great many things were stated, some of which were true, and some of which were not.

2848. You have stated that you have found the important ratepayers of the City of London are absent from the trustees of the charities?—Yes.

2849. Do you think that under any such law or any such system the principal ratepayers in the City of London would have become trustees of these charities?—I think in proportion as the administration was improved so one would get the principal ratepayers to assist in the administration.

2850. Do you think a Baring, a Rothschild, or a Goschen would take upon himself the duties and responsibilities of a City trustee?—I should think that gentlemen of that stamp are not wanting in sufficient public spirit to take upon themselves those duties.

2851. Do you think a man engaged in great business operations in the City of London abstains usually from taking any great part in the management and direction of any local affairs?—That is so, no doubt.

2852. Then, as I understand, you have stated that at the present moment the Charity Commissioners decline to give any further facilities to the trustees of charities in the City of London with regard to any schemes that may be the means of more beneficially distributing those charities until some legislation takes place?—As long as there appears to be any prospect of legislation, I think we should hold our hands, and the clause in the City Bill which exempts schemes made within 50 years seems rather to hold out a warning against making any fresh schemes. In case such a clause were to become law we should be withdrawing charities from the operation of what we should consider beneficial legislation.

2853. Do I understand that the scheme brought in for St. Giles, Cripplegate, has been carried out?—It has not been carried out altogether; it has been carried out partially.

2854. That scheme has not been declined by the Charity Commissioners?—No. I am speaking now of a scheme made as long ago as the year 1877. It has been carried out in greater part, but there have been difficulties in carrying out some of the educational provisions.

2855. Then as to a greater part of the scheme laid before you for St. Giles, Cripplegate, you agreed to a scheme for an alteration in the distribution of those charities?—Quite so.

2856. With regard to the charities in the City of London, it has been asked whether in the City of London there has not been a greater change in the objects which would be most beneficially served by those charities, and the objects for which they were originally instituted?—Yes, I think so.

2857. Is it not the case that charities in the City of London are very much older than the charities elsewhere?—No, I do not think so. There are very old charities in almost every corporate town in England, and some very old charities in country places too. There are a great many charities all over the country which date before the Reformation.

2858. Are there not a tolerable number in the City of London?—A great many, no doubt, and there are a great many charities in the City of London.

2859. There are more charities in the City of London to be dealt with than
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in any other place or many places put together, which would have the same population?—Certainly.

2860. And I believe that, at the present time, the views of dispensing charities, and as to what should be properly dispensed, are entirely altered from what they were some years since?—I have no doubt of that. I have very high authority for saying that. The Master of the Rolls, in a recent judgment I quoted, stated that most emphatically.

2861. In fact, all charities left for feeding, clothing, or housing the poor, are considered, at the present time, to be not beneficial to them?—No, I do not go so far as to say that. We often assist the administration of charities for clothing the poor, but we try to do it in a way to encourage the poor to help themselves instead of merely giving them doles in money or kind.

2862. As a general rule, charities for giving them food, clothing, and lodging at the present time are considered not advisable?—No, I should not say that. It is considered advisable to apply them for those objects in various ways; to untie the hands of the trustees, and relieve them from the necessity of giving them in one particular way, and to enable them to give them in other ways which appear to promote the real interest of the poor more completely than the present mode of administration does.

2863. Do you think if either of the Bills is passed, and that the Commissioners defined by either of those Bills to carry out the purposes of the Bills should be the Charity Commissioners, that the Charity Commissioners should have the power of appointing the whole of the trustees to these various charities?—Yes. It is a power which we have all over the country whenever we are armed with jurisdiction by application. We appoint trustees of charities all over the country, and I should consider that we should have the power of appointing these trustees, subject to any general directions that may be given in the Bill.

2864. At the present moment have you any power of adding any additional trustees to any charities whatever, except on the application of the trustees themselves to you?—In the case of the charities over 50 *l.* a year that is so; we have no such power.

2865. You have no power of adding any additional trustees, or filling up any vacancies, or in any way interfering with the power of trustees when the charities are over 50 *l.* a year?—No.

2866. Except on the application of the trustees themselves?—Of the majority of the trustees.

2867. *Chairman.*] But in framing new schemes for charities, you then have power to appoint new trustees?—Yes, because before we could frame a new scheme we must have an application. The moment we get an application, the greater includes the less, and the appointment of the trustees is part of the scheme.

2868. I suppose the application does not specially mention the appointment of new trustees, but it is generally for the purpose of framing a new scheme?—We have both sorts of applications before us. Sometimes the trustees ask us merely to appoint new trustees, and then we are confined to that. In other cases the trustees ask for a scheme and that is held to include the appointment of new trustees.

2869. *Mr. William Lawrence.*] When these applications come before the Charity Commissioners they ask the Commissioners to give them additional powers to carry out the charities for a beneficial purpose. That is really a friendly application, and is not received in a hostile spirit by the Charity Commissioners?—We certainly do not receive any application in a hostile spirit. We are very glad to get it; we cannot always get it.

2870. Their recommendations as to the appointment of trustees would meet with the consideration of the Charity Commissioners, and they would not disregard their applications?—No, we should not.

2871. So that the appointment of trustees to the various charities is not in the hands of the Charity Commissioners?—No, not unless we have an application.

2872. *Chairman.*] For a new scheme?—Or for the appointment of trustees.

2873. *Mr. William Lawrence.*] When the trustees of charities make an application to the Charity Commissioners for a new scheme or for the appoint-

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ment of new trustees, does not that usually take place with the concurrence and with the entire satisfaction of those who have made the application to the Commissioners?—If you mean that the Charity Commissioners always make the scheme the trustees ask them to make, I should say, No.

2874. My question was with regard to the appointment of trustees, and as to whether it is not rarely there is any disagreement on that question?—I think it is not often there is. There is sometimes, and I can explain in a moment how. When we have an application for the appointment of trustees, we are bound by the Act of Parliament under which we act to publish the names of the gentlemen proposed for appointment, and sometimes we get very grave objections, in answer to those notices, to their appointment, and we have to substitute others, and sometimes in that way we get into collision with the trustees.

2875. Those are exceptional cases?—Yes.

2276. I will ask you whether you have any reason to complain of the trustees of the City charities, in offering obstruction or being obstructive to the Charity Commissioners?—I must say that in some cases the action which the Charity Commissioners have thought beneficial to the City charities, has been impeded by the action or in-action of the trustees of City charities, and particularly sometimes in their failure to render accounts which they ought to have rendered. In some cases, I do not say the majority, we have the utmost difficulty in obtaining the accounts which the Act of Parliament directs the trustees to render.

2877. But in the great majority of cases the trustees of the City of London charities render their accounts regularly, and offer any explanation which may be asked by the Charity Commissioners most freely?—I think in a great many cases they do.

2878. Mr. *Talbot*.] With regard to the expenses of the Commission, I suppose the expense of any addition to the staff of the Charity Commissioners would be very trifling?—Yes, it would not be very large. I should think that, taking the addition Sir Seymour Fitzgerald has indicated, it could not be more than 3,000 *l.* or 4,000 *l.* a year; say 5,000 *l.* a year.

2879. That is what we consider very trifling in Parliament?—I have put it at an outside figure.

2880. I was rather thinking of the suggestions that have been thrown out as to the expenses being charged on the charities themselves; do you think it is worth while creating a considerable amount of irritation by doing an exceptional thing of that kind?—I think as a matter of policy, it is desirable to create as little irritation as possible in these matters. There is generally quite enough.

2881. Supposing Parliament to agree to put the expense of all the inquiries upon the charities of the country generally, then of course the City of London must bear its quota?—Yes.

2882. But certainly would it be desirable to put the expenses of this particular inquiry upon the City of London, when the other charities of the country do not bear their proportion of such expense?—The reason would be, I suppose, that you are doing more for the City of London charities than in any other case.

2883. Does not that tell both ways. Would not the City charities say you are going to deal with us much more summarily than you have dealt with other charities, and then you are asking us to bear all the expenses?—No doubt there would be a difference.

2884. Is it not something like the charge for birch rods in school accounts?—It is, rather.

2885. It is a disagreeable thing, I think, to ask persons who are under a certain amount of castigation, to pay for that castigation?—I have no strong opinion on that point myself. It is a point which, as Charity Commissioners, we do not consider very minutely.

2886. Of course, your opinion, as a Charity Commissioner, would have considerable weight, probably not only with this Committee but with Parliament, and I want you to consider whether it is worth while to add to the difficulties which must attend a new scheme of this sort by introducing an element of friction of that kind?—I do not think, as a matter of policy, it is well to introduce

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duce elements of friction, but it is proposed by both Bills to put the expenses on the charities.

2887. *Chairman.*] It rather stands in this way, that if the subject is dealt with by a separate Bill it is difficult to see where the funds are to come from, except from the charities themselves. Then comes the question, if you deal with it through the Charity Commissioners, ought there to be any difference?—That is what I meant.

2888. *Mr. Talbot.*] Supposing the thing is to be a separate jurisdiction, then I can understand the proposal of both Bills; but supposing the view taken by yourself and Sir Seymour Fitzgerald is adopted, then it would be better to follow the usual practice?—I think it would be easier to do it in that way, to throw it on the usual procedure of the Charity Commissioners if they work it.

2889. Then you object to that clause of the Private Bill which exempts the charities as to which schemes have been prepared within the last 50 years?—Yes.

2890. I do not understand you to object to that part of the clause which exempts charities founded within 50 years?—I was not asked as to that.

2891. The things are mixed up in the clause?—Yes. It deals with the two things, the charities founded within 50 years, and schemes made within 50 years. My answer referred only to the last class.

2892. On the other point, you would agree with carrying out the policy which Parliament adopted in the Endowed Schools Act?—Yes, quite so.

2893. Then I understand you to be in favour of what might be called a Charities Committee of the Privy Council?—Yes.

2894. That would be not to deal with the City charities only?—So far as this Bill goes it would be to deal with City charities only; but I think it would be a very convenient Court of Appeal for charity cases generally, under such procedure as is contemplated here.

2895. Is there any Court of Appeal now with regard to charities generally?—You must go to the Court of Chancery, or rather to the Chancery Division, now, but if it were desired to deal with charities administratively, as well as judicially, such a Committee would be a useful Court of Appeal.

2896. And that probably would facilitate the easier working of schemes of this kind, would it not?—I think it would.

2897. Because people would feel they had a right of appeal to a body in which there was great public confidence?—I think so.

2898. It would be probably desirable to make the Committee more workable than the University Committee of the Privy Council, would not it? I mean that the Universities Committee consists of rather too great officers of State, and therefore is not a very workable body?—I should have thought that such a Committee should not be composed of *ex officio* members, but should be composed of a certain number of members of political distinction, probably those who had been Ministers; there are always a certain number of such eminent persons available; and a certain number of members of the Judicial Committee. I do not think the tax on their time would be very considerable.

2899. The very fact of its being known that there was such a Committee, to which appeals could be made, would do away with the necessity of a good many appeals?—I should hope so. I should hope that in a question affecting general charities like this, it would command more confidence than the Committee of Council on Education.

2900. I understood you to object to the provision as to the governing body which gave one person to be elected by the churchwardens of the parishes. You said you did not see the use of that?—No. I think that the churchwardens are not representative of the City generally. So far as ecclesiastical purposes go they may be, but the governing body is to deal with everything.

2901. You do not see a similar objection to the person to be elected by the Fellows of Sion College?—No, I see very great reason why there should be such a person.

2902. What do you say with regard to the action of incumbents of City
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[Continued.]

parishes generally. Have they shown disposition to assist the cause of reform in this matter, do you think?—I think they have.

2903. Sion College itself has taken action in the matter?—And in the case of one of the above schemes I mentioned just now, Mr. Walrond, of St. Lawrence, Jewry, took a very active part in the framing of that scheme.

2904. And there can be no question that the City clergy have a distinctly representative character?—No doubt.

2905. Upon the matter of doles you have been asked a good deal. I do not know exactly what your opinion would be upon that, but the objection I understand you to make to doles is the pauperising tendency of such gifts?—Yes.

2906. You would not make the same observation with regard to pension scheme, would you?—No, I think that is not the main objection to pensions. I think a system of pensions may be worked most efficiently, but on the other hand it requires to be worked very carefully, because there is no form of charity which, in my experience, is so open to jobbery as pensions. If you could get such a body as Mr. Pell was describing the other day, the Tower Hamlets Pension Society, to administer all pensions to be given out of City charities, such a body as that I should be very glad to see; but you have to be very careful how you constitute a body to give pensions away; and though I think pensions are an admirable form of relief, yet I think they require to be fenced round with very adequate safeguards.

2907. One of the safeguards would be to provide that no person receiving a pension should receive parochial relief?—That would follow without saying, because that is the law. The trustees of a charity are not, according to the law, permitted to pay any of their funds to persons in receipt of parochial relief. That has been held by the courts. I do not mean to say that they do not in some cases do so, but that is the law.

2908. If it was so guarded that persons who just kept themselves above the condition of applying for parochial relief were relieved in that way, you would not see any objection to a scheme of pensions?—I should consider that the strong recommendation. That is exactly the class I should wish to see pensions go to. I should wish to see pensions given to those people in whose case a rigid administration of the poor law which would force them into the workhouse, and would cause great and undeserved hardship. I should like to see pensions employed to rescue them from the workhouse.

2909. As a fact, the Charity Commissioners have given their sanction to such schemes?—Frequently.

2910. You were asked with regard to St. Giles, Cripplegate; do you wish to add anything to what you have said about that; would you like to give the Committee any further information about that particular scheme?—No, except that it was a scheme in which, to some extent, we proceeded upon the lines of the present Bill, because we directed by that scheme that some of the funds should go to the parish of St. Luke's, Old-street, which had originally been part of St. Giles's part of the funds applicable to the benefit of St. Giles, Cripplegate, because we thought there were no sufficient objects of charity in St. Giles, Cripplegate, and that it should go to St. Luke's, Old-street.

2911. I do not think you have been asked as to the doctrine of *cy pres*. There were some questions put to Sir Seymour Fitzgerald upon it. I do not know whether you have anything to add to what he said on that subject?—I think not; I agree entirely in what he said. I will only say that, in my opinion, the doctrine of *cy pres*, in its present condition, is very much more elastic since the decision in the case of the Campden Charities, but I do not think it is sufficient to enable us to deal with the case of the City charities, and that further powers are required.

2912. Would you say whether you think it is strained at all in the proposal of the Public Bill. Would you go so far as the Public Bill?—Yes, I should go quite as far as the Public Bill. The Public Bill disregards the doctrine of *cy pres*, and that is why the necessity arises for having a Bill. If one is merely to work within the limits of the doctrine of *cy pres*, there is no necessity for a Bill.

2913. Though

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2913. Though you may not work within the present limits, ought you not to work within the spirit of the donors?—Yes, and I think the Public Bill does work within the spirit.

2914. You do not think it goes beyond the spirit?—The case of the City charities is, of course, a very peculiar one, and it is very difficult to see how the doctrine of *cy pres* can be applied in its integrity to the case of the City charities.

2915. Sir *Thomas Acland*.] You spoke just now about the mode of confirming the schemes. Will you turn to Clause 21 of the Private Bill. Under that those who object may go first to a judge of the High Court of Justice, and then they may go by appeal; and then there is a whole page here full of legal proceedings, which would involve, I presume, expenses to be charged on the charities, because it says that the Court is to have the power of settling whether they may pay or not?—Yes.

2916. Are you of opinion that in dealing with administrative schemes for the improvement of such things as charities, that that would be a desirable mode of transacting business?—No, I think the mode prescribed in the Public Bill is the better mode, and it is the mode prescribed by the Endowed Schools Act.

2917. Has it not been found in the case of the Endowed Schools Act that going to an administrative branch of the Privy Council has answered, on the whole, very well?—For educational purposes I think it has.

2918. Is it not the fact also that the Privy Council deals with questions relating to the medical profession and to the public health?—Yes.

2919. Then is that the best body to go to for dealing with the administrative questions which may arise in the action of the Charity Commissioners?—In one sense it is hardly a body at all, the Education Department; it is a political department.

2920. But there are a great many permanent officers whose opinions are of great weight?—No doubt.

2921. Are you of opinion that it is a desirable thing to carry administrative schemes of local improvements before a judicial body without some great safeguards?—I think not.

2922. Assuming that by some possibility the trustees may be obstructive, does not that legal process give very great power to trustees and their legal advisers to delay business and spend money?—Yes.

2932. Mr. *William Lawrence*.] Do you think it is likely that the Judicial Committee of the Privy Council, or the Committee of Council on Education, would take on themselves to give any decision as to the charities of the City of London?—I have no means of answering that question.

2924. Do you think it likely from what you know?—If Parliament imposes it on them.

Cross-examined by Mr. *Claude Baggallay*.

2925-7. You are aware, I suppose, that the proposals of the two Bills in Clause 31 of the Private Bill, and Clause 40 of the Public Bill, are identical. They are the clauses with regard to the expenses of carrying out the Act?—Yes.

Friday, 5th May 1882.

MEMBERS PRESENT :

Sir Thomas Acland.
Mr. Baring.
Mr. Bryce.
Mr. Cubitt.
Mr. Horace Davey.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.

Mr. Jackson.
Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Earl Percy.
Sir Matthew White Ridley.
Mr. John Talbot.

THE RIGHT HON. G. J. SHAW LEFEVRE, IN THE CHAIR.

The Rev. W. H. Milman, sworn ; Examined by the Committee.

2928. Mr. Bryce.] I HAVE only a few questions to ask you, but I ask you them because I think you, as Honorary Secretary of Sion College, represent the City clergy in this matter, and I think it right the City clergy should have an opportunity of expressing their opinions and views on these Bills. You are, I believe, the Honorary Secretary of Sion College ?—I am.

2929. And have been so for some time ?—For some time since 1867.

2930. I believe Sion College has for some time past taken an interest in the question of the City parochial charities ?—Sion College has taken a very great interest in this question for a good long time. As long ago as the year 1871 a committee was appointed which prepared a report upon the whole question which was presented to the College, which was adopted by the College, and which, I think, I may say was a prophecy of your Bill, because we took very much the same line. We said that the City charities were so vast and so overgrown that they could only be dealt with by an exceptional measure ; that a Commission must be appointed, and that one of the great objects of that Commission would be the disentangling of the funds and separating them into ecclesiastical and other charitable funds. We said that all the surplus of the ecclesiastical funds should be appropriated to the building and maintenance of churches in other parts of the Metropolis besides the City ; and that the surplus charitable funds should be diffused over the metropolitan area, specially for the purpose of secondary education, and possibly for the provision of dwellings for the poor, and for hospitals, and for kindred objects, which would not, in our opinion, tend to pauperise those who were made the objects and recipients of those charities.

2931. I understand that the Public Bill has been discussed at meetings of Sion College ?—We discussed the Public Bill last year as soon as we were able to obtain copies of it, and finding that in many important particulars it reproduced ideas with which many of us were already familiar, and provided for the future application of the charities in a way which we had already ourselves indicated, we naturally became very much interested in that Bill. The Public Bill as first drawn contained some provisions which we, as clergymen, did not see our way to adopt, and therefore we endeavoured, as best we could, to represent our views in the proper quarter, in the hope that such changes might be made in the Bill as would bring it into harmony with the wishes of the clergy of Sion College.

2932. You are speaking of what passed last year ?—Yes.

2933. You have also considered it this year ?—We have considered it this year, and we find that in many important particulars, in most of those upon which

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[Continued.]

which we laid the greatest stress, the Public Bill has been altered; many of the modifications which we desired have been introduced, so that on the whole it now tolerably represents our views. I do not mean to say that we do not think we could suggest further amendments which would be desirable, but on the whole we agree with the Bill.

2934. These amendments, as far as I understood, would, in your view, be comparatively slight; but you say that taking the Public Bill, as a whole, you approve of it?—Yes.

2935. And you have petitioned in favour of it?—We have petitioned in favour of it.

2936. What has been your experience as regards the small parishes and their churches as to the effect of having these charities confined in their application to very small parishes?—I should not desire to say much more than what is my own experience in the matter. Of course much public discussion has taken place, and the mass of evidence which has been brought before the Royal Commission of 1880 has shown that in many of the parishes there is what, in my opinion, amounts to a very great misapplication of these funds, and great waste; but my distinct evidence I would prefer to confine to my own parish. There we have gone upon the principle of using so much of the funds derived from ecclesiastical or general charity property as we thought we could fairly use in our own parish for purposes which we should not be ashamed to publish, and to defend before the world; and with regard to all the surplus revenues we have simply funded them, because we did not think it desirable that these surplus funds should be frittered away, as it seemed to us they probably would be if disposed of by a variety of small schemes left under very imperfect surveillance, and liable to be very imperfectly administered. It has seemed preferable to us that all surplus should be brought into a general fund, part of which would be applicable for ecclesiastical purposes, and part for general charitable purposes, to be administered by responsible persons representing a much larger interest than that of any one small parish in the City.

2937. I gather from your answer that you think it absolutely essential that these charities should be dealt with by a comprehensive scheme?—I think so.

2938. And that their administration should be centralised?—I think so, to a considerable extent. I should like a little to guard that. I have attended the Committee pretty constantly, and I know it has been thrown out in one or more cases that it might be desirable here and there, and with special objects in view, to have some smaller governing bodies to administer particular properties which are to be applied to some definite and distinct objects, and I am inclined to think this might work well.

2939. Do I understand you to mean that you think there are cases in which special charitable objects might be provided for by schemes, and might be placed under the administration of special subordinate governing bodies?—Yes.

2940. I presume you would think that such special governing bodies would be but few?—Certainly but few.

2941. It would be the mode of applying or distributing the funds, and not the management of the charity property that you would entrust to these special governing bodies?—Of course there is a certain completeness in a scheme which would transfer the whole property to one central management. It would not, however, be difficult to except certain portions of the property if you had separate trusts for the administration of such excepted portions.

2942. I believe the funds have accumulated in your own parish?—We have simply invested them in the Three per Cents or Consols.

2943. Mr. *Baring*.] Have you invested them, or has the official trustee invested them?—We have hitherto done it ourselves.

2944. Mr. *Bryce*.] Your property is not vested in the official trustee?—As yet, no.

2945. You have done that, I suppose, in the hope of some time or other getting some better application provided?—Distinctly so; any large surplus is only of comparatively very few years' accumulation. As it has rather been made an indictment against me and my fellow trustees in evidence already given before the Committee, that in my parishes we have not applied for schemes, and on

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this ground we were accused of having neglected our duty, I may perhaps take the opportunity of explaining that we have so acted, not because we shrunk from the labour and trouble, but because as it seemed to us it was better, as legislation on the whole subject would inevitably come soon, that these funds should be left to be dealt with on general principles, rather than disposed of by any small schemes which we could ourselves devise.

2946. Have you any knowledge of the number of persons who generally attend vestry meetings in the City parishes?—I can repeat here the evidence that I gave with respect to my own parish before the Royal Commission, and it is that I attend, and the vestry clerk attends, and the churchwardens, if they are not very busy, attend, and having thus got a nucleus from which to start, we then send out our compliments to two or three gentlemen who are handy, who, if disengaged, are so kind as to come in and make the necessary quorum, to transact the necessary business.

2947. You are speaking of your own parish?—I am speaking of both my parishes; one of which has considerable trust property, whilst the other has next to none.

2948. Can you speak at all with regard to other parishes, from what you have seen of your clerical brethren in other parishes?—Yesterday one of my clerical brethren told me, and I think it may be taken as a very fair representation of the matter, that he has two parishes, one of which has some trust funds, and the other of which has no trust funds. Where there are no trust funds to administer he has extreme difficulty in forming a vestry at all, but where there are trust funds, and the application of those funds come into question, a certain small number attend. I can also tell you the state of things in the parish in which Sion College itself is situated, because there I sometimes attend as a parishioner. In that parish there are from eighty to eighty-four rate-payers, persons entitled to attend, and the average attendance in that vestry is twelve or fourteen at the most. Here also there are considerable trust funds.

2949. Have you any opinion to express as to the new governing body provided by the Public Bill?—On the whole I should be very well content with the governing body therein provided. As you are asking me, to a certain extent, to express the opinions of the other clergymen as well as myself, and I, to some degree, share their views, I may say, we do not wish any increase in the number; we think the number proposed is amply sufficient, and perhaps, if anything, more than sufficient properly to administer the property. But we think, considering that all the funds would be derived from the City parishes, the lay representatives of the City might have one more member on the body, and the clerical element another representative; but then the number of representatives of other bodies should be diminished by two.

2950. Do you conceive it would be a proper object to provide for, as regards the City churches, that in the case of any church having a building of architectural and historical interest, the Commissioners might appropriate a small fund for the purpose of keeping it in repair, and in a proper state of preservation?—I think clearly such an instruction ought to be given to them. If you would allow me to make a statement to some extent bearing on that point, it would be this: I think when the clauses of the Bill come finally to be settled, the fact ought to be borne in mind that the Bishop of London is at present seeking legislation, and, in my opinion, imperatively necessary legislation, to diminish very largely the number of benefices in the City of London: If that Bill should pass, and that legislation take effect, it will be hardly possible but that in grouping several parishes together to form a new benefice, some one of the churches will have more than ample funds to keep up the one church that will be retained for the united benefices, and therefore it will be almost sufficient to provide in this Bill that where a number of parishes are grouped together to form a single benefice, the property of one of them being sufficient, or of more than one, if one should prove to be not sufficient, should be assigned to the church that is to be retained, though it may not be the church of the parish in which the funds accrue.

2951. Can you mention any churches in the City which belong to that category?—There are several.

2952. Will you mention some by way of illustration?—St. Helen, Bishopsgate,

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gate, is a church which has an interesting history attaching to it. It was a Conventual church before the Reformation, and one of the churches which escaped destruction at the Fire. It has been lately restored, and has at present available for its maintenance funds which might possibly, I do not say they would be, but they might possibly be compromised by a very strict application of the principle of carrying to general charity account all property which cannot be demonstrated to have been originally bequeathed for ecclesiastical purposes.

2953. *Chairman.*] What do you propose should be done with the disused churches?—The churches which will be absolutely disused are to come down in every case; but of course, whoever are appointed to be the Commissioners to determine what churches ought to stand, will, in the Bill, have instructions given them how to proceed, so that those churches which have the highest historical and architectural interest may be retained.

2954. Surely if it is determined that any church is to remain, and to be used as a church, the funds out of which it is at present maintained ought to continue to be devoted to it?—Certainly; but the question would be whether this had ever been a proper application of the funds in the particular case which I have before me. It might be one of those in which the user might turn out to be not sufficiently strong to warrant the Commission, to be appointed under the Bill, in absolutely assigning it to ecclesiastical purposes.

2955. Then you would confine it to cases where that user has been for some years at least carried out?—I rather wanted to keep the thing clear of that, and to have some kind of instruction to the Commissioners on the subject. When a number of churches have been taken down, it is almost certain that some one in the group will have funds for the purposes indicated; I do not think the case which I am supposing is likely to occur, but if there should be some church of historical and architectural interest which is to be retained, yet which would be found to have no clearly legal claim to a sustentation fund, I think the Commissioners ought to have power given to them to assign one to it, as there is so much money to dispose of. I think this is one of the instances in which it would be fair to apply a small portion of it within the limits of the City, in preference to carrying it outside the City.

2956. *Mr. Bryce.*] I understand your view to be this, that even if it should turn out, that under the terms of the Act, when it came to be worked, the funds which have hitherto been used in support of the Church were not strictly of an ecclesiastical character, and therefore were not placed among the ecclesiastical funds, still the historical and architectural merit of the church would be such as to make the application of the money for the purpose of its repair and preservation a proper object apart from ecclesiastical grounds?—Quite so.

2957. *Mr. Baring.*] And for decoration, I presume?—For keeping it up in a proper state for Divine Service.

2958. I am thinking of St. Helen's?—I think a sufficient sustentation fund for St. Helen's, or for any other church of similar interest, should certainly be provided.

2959. *Mr. Bryce.*] Of course that is also an object which I presume will be provided for under the new Union of Benefices Act?—The Union of Benefices Bill of the present Session does not deal with these charitable properties, whether ecclesiastical or general charitable properties, but simply provides for the union of ecclesiastical benefices.

2960. In dealing with the funds of the parishes, there is no reason why in addition to any provision that may be made by this Act, provision may not also be made by the new Union of Benefices Act for such purposes?—Certainly not.

2961. Is there any other point upon which you would like to express your views, either personally or as representing what you believed to be the sentiments of the City clergy?—There is one other point which I think easily connects itself with what I have already said. It seems to me that it would disarm a good deal of opposition, and a good deal of bad feeling which might possibly grow out of this measure if there could be introduced into it some clause or clauses which would, so to say, ease its introduction. For instance, in cases where there has been no positive breach of trust, and user may be pleaded in favour of devoting

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certain funds to the maintenance of the church and its services, and to the increase of the stipend of the clergyman, that at any rate during the lifetime of the present incumbent those interests should continue to be provided for, though they may be interests which the Commissioners would think ought not to be permanently provided for. I know there are cases in which clergymen have been for a very long time in the City, who have had everything provided for the maintenance of their church and its services, who have also had some allowances beyond the very small sum that is paid to them under the Fire Act. Upon a strict inquiry it may appear to be a questionable application that has innocently been made of these funds; questionable, that is, from the strict abstract legal point of view. The Bill would operate very hardly upon a person so situated should he find himself suddenly deprived of these things, which, so to say, have become a part of his existence in the sphere in which he is now. Any provision of that kind would only be for a short number of years; I repeat it would, so to say, ease off some of the general provisions of the Bill which might otherwise press hardly upon individuals.

2962. You are contemplating something like a liberal application of the doctrine of vested interests?—Quite so.

2963. Such as is contemplated in the 7th clause of the Public Bill. I did not mean to ask you whether you think, as a matter of law, that clause would cover it, but you mean a thing of that nature?—Yes, if that were liberally applied.

2964. Mr. *Walter James*.] Can you explain to me exactly how far Sion College is represented by the City clergy?—Sion College embraces the whole of the City clergy.

2965. Any others outside?—It also embraces a certain number of parishes outside the City. At its foundation Sion College embraced the parishes of the original City of London, and the large suburban parishes; that is to say, the parishes which touched the walls of the City of London in any part of their circuit. Those large parishes have, as is well known, been very largely subdivided, instead of there being one incumbent only, there are a great many incumbents in them, and by a decision of our Visitor each one of those incumbents has been held to be a Fellow of Sion College, which has thus come to represent the City, and a large district to the north and east of the City as well. We do not go at all south or west.

2966. I believe I may say that the concurrence of the members of the Sion College in the views you have expressed has been almost unanimous?—I can hardly say that; the petition which we presented to this Committee was carried by a very large and overwhelming majority of persons in the room.

2967. Mr. *William Lawrence*.] Do I understand you to consider that the Public Bill is more in concordance with the feelings and interests of Sion College than the Private Bill?—Yes.

2968. You think that the interests of the clergy of Sion College are better protected by the Public Bill than by the Private Bill?—It depends on what you mean by the interests of the clergy. I do not think there is any protection given by the Private Bill in any sense to the interests of the clergy that is not given by the Public Bill.

2969. Is there less protection in the Private Bill than there is in the Public Bill?—I say again you must define what you mean by the interests of the clergy, whether you mean the interests of individual clergymen or the interests of the clergy, when they consider the benefit of the church at large.

2970. You mentioned that, in some of the parishes, either the clergyman has, in addition to the stipend, or the fabric is maintained, or the expense of the organ and other matters connected with the church is provided out of the funds, and it appears at present there is some doubt whether that is legally done; if this Bill passes they will be able to be applied in future in the same way?—It is possible that they may prove not to be so applicable.

2971. Does the Public Bill protect the application of those sums any more than the Private Bill?—I do not know that it protects them any more.

2972. Does the Private Bill interfere with the sums now paid over to the purposes to which I have alluded any more than the Public Bill?—I must ask to be allowed to look at the particular clauses of the Bill which bear upon the matter.

2973. I presume

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2973. I presume you have read the Private Bill?—I have; I have read both very carefully.

2974. Will you state the reason why you prefer the Public Bill to the Private Bill?—

Chairman.] That is the whole of his evidence.

Mr. William Lawrence.] The whole of his evidence was that he preferred the Public Bill; but he stated no reasons why, nor anything connected with the Private Bill.

2975. *Chairman.*] Can you state more shortly than you have already done, your reasons for preferring the one to the other?—My reasons for preferring the Public Bill to the Private Bill, or for thinking the Private Bill is not so good a measure as the Public Bill, are that I think there are many more loopholes for escape under the Private Bill than there are under the Public Bill, and that if the thing is to be done at all, the Public Bill will do it much more thoroughly than the Private Bill.

2976. *Mr. William Lawrence.*] When you say loopholes of escape, for whom, or for what?—For the present trustees from the greater utilisation of the ecclesiastical and general charities, by their diffusion over as wide an area as possible.

2977. You have spoken from your own experience in your parish. At any rate the funds in your parish do not come under two of the remarks in the Preamble of the Public Bill, which states that a large portion of these funds are unapplied, wasted, or misapplied. In your parish they are unapplied?—They are unapplied in my parish.

2978. Can you state how many years it is since you commenced funding the charity funds in your parish?—I cannot answer that question off-hand with perfect accuracy.

2979. About how many years?—There was something already beginning to be funded even when I first became rector, more than 25 years ago. That was under a scheme under which one of the properties was administered, by which it was ordered that a reserve fund should be formed, to be drawn upon in case of any important repairs being wanted to the church; but I should say for 10 or 12 years we have put by some portion of the funds every year, and more recently the amount has been growing very largely indeed. I believe similar evidence has been before the Committee already, but it illustrates the growth in the value of these properties, when I say that four or five years ago property fell into our hands which had been granted on a 91 years' lease, from which we had been receiving up to that date 20 l. a year, and at once we got 250 l. for it.

2980. How much of the funds have you invested in the Three per Cents now?—I could send you an accurate return.

2981. About how much; is it 5,000 l. or 10,000 l.?—Not 10,000 l.; I should think it is nearly 5,000 l. I find that accurately it is 5,258 l. in St. Augustine's parish, and 217 l. in St. Faith's.

2982. During the 25 years has there been any application whatever to the Charity Commissioners for any scheme to use these funds?—The putting by large reserve funds which could have no application in the parish is not a matter of 25 years, but we will say of 10 years.

2983. I understand you have not made any application for a scheme?—We have not, for reasons already given.

2984. You were asked your views as to preserving churches of historical interest or as monumental buildings. You are aware, I presume, that under the present Act of Parliament where the Bishop of London agrees to a church being removed, the materials of the building and the land become the property of the Ecclesiastical Commissioners?—Yes, but that Act requires that churches of exceptional historical or architectural interest shall be spared.

2985. In any case, all the funds paid towards the Church by the citizens of London still remain payable, whether in the form of tithe or assessed amount payable to the Church authorities to be used outside the City?—Yes; but within the City it is a very small sum indeed which is so paid. The annual incomes of the clergy provided under the Fire Act are very small.

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2986. I think

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[Continued.]

2986. I think you have stated that some of these charity funds have been used in maintaining the church, adding to the stipend of the clergyman, supporting the organist, and the sexton, and other matters connected with the church, and I think, in your evidence, you stated that perhaps legally it might not be the case, unless special clauses were put in, that they would be entitled to be used for the same purposes hereafter?—I think that is the case, certainly.

2987. In your evidence you said you were of opinion that those funds had been so long used for church purposes that they ought to remain in use for church purposes?—No, I did not go so far as that. What I did say was that I thought, in order to ease the coming into operation of the provisions of the Act, if this Bill should become an Act, it might be desirable for a short temporary time to wink at some further misapplication (in the strict legal sense) of the funds so far as to avoid cases of individual hardship.

2988. Mr. Bryce's question was as to maintaining churches as historical monuments?—What I put was, I think, rather a hypothetical case. I said I believed that a large union of benefices in the City of London would meet the requirements of the case, but still where the whole thing was being dealt with as a public question it was just worth while raising the point, and possibly giving some directions to the Commissioners. I thought under the peculiar circumstances of a church having historical interest, and there being no funds upon which hands could be laid to maintain it in the future, they should be allowed to assign out of the funds (of course, ecclesiastical funds) which they would be distributing a sufficiency for the maintenance of a particular church as a historical monument.

2989. My question is with reference to your evidence as to some portion of these charity funds being brought together into a large amount. You say there is a large amount which might be used, and you think it would not be any misapplication of the funds to use a portion of them for the benefit of the church as a historical monument or for easing off, as you said, the loss that would be occasioned to the present receivers in the church by allowing some portion of those funds to be used for this purpose?—I think when Parliament in its wisdom undertakes to settle a very wide question, it may, if it pleases, make some special temporary exceptions to general principles in order to meet particular and individual cases.

2990. Would that also embrace cases where the funds have been used for centuries for parish purposes?—That seems to me to be entirely a different question. If you wish for my opinion upon the plea that is put forward by some of the parishes, that having large funds which, as they allege, they cannot tell the origin of, they have therefore a right to do what they like with them, I am distinctly of opinion, that in a court of law they could not support their contention, and if I thought they could do so, I think the law ought to be altered as speedily as possible, in order to prevent their doing so in future. It is quite within my own experience that funds which, it seems to me, could not possibly be legally so applied, are applied to paying the stipend of the clergyman, in place of the stipend being raised under the Fire Act; they are also applied in paying the poor's rate, and then we are brought face to face with the question as to who really are parishioners, whether only the ratepayers, or other persons; because, if other persons as well as the ratepayers are parishioners, whenever the ratepayers devote some of these funds to the purpose of paying their poor's rate, it comes at any rate to something very like depriving the remainder of the parishioners of something to which they also have a title.

2991. Mr. Baring.] I understand you appear as the representative of Sion College?—I am not here as a delegated representative of Sion College, in any way; I am the honorary secretary of the College; I wish that to be distinctly understood.

2992. The opinion you have given you consider to be the opinion of a considerable majority of the members of Sion College?—Certainly.

2993. Sion College represents, as to this matter, at all events, the clergy of the City of London?—Along with others.

2994. Your

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[Continued.]

2994. Your opinions represent those of the majority of the clergy of the City of London?—Do you mean of the scheduled parishes?

2995. Of the scheduled parishes?—That would be a little difficult for me to say absolutely without running over the names of the persons who were actually present at the meeting at which the petition was adopted.

2996. Your opinions expressed here represent the majority of those who took pains to come to the meetings, and took an interest in it?—Yes; of those who at a duly convened meeting, of which full and proper notice was given, attended for the purpose of expressing their opinion and recording their votes.

2997. Were the City parishes fairly represented at this meeting?—Yes, I think so, certainly.

2998. Was there any large representation of the outside parishes?—A fair number of those too. I think it was a very representative meeting.

2999. Of the East end?—The East and North end, as well as of the City.

3000. Did I understand you to say that the southern and western suburbs are not included?—They do not come in.

3001. The rectors of the southern and western suburbs are not Fellows of Sion College?—No.

3002. They are printed here?—No, I think you will find you have let your eye run on without observing that a new title has been introduced. First of all, there are printed in various calendars a list of the Fellows of Sion College; then there follows a list which might easily be mistaken as forming part of the same list, but which is really a list of all the incumbents within 10 miles of London.

3003. You think there was a good majority of those who took the pains to be at the meetings which were thus summoned in favour of the scheme which you mention?—I keep the minutes, and the minutes have been confirmed, and the expression was, I think, “a considerable majority,” or “a large majority.” The latter, I find, is the exact expression used.

3004. Was there much opposition?—There was a certain amount of opposition. It depends upon what you mean by “much opposition.” There is an opposition with which you are acquainted in the House of Commons which is very persistent, but it comes from not many people.

3005. Did the opposition represent any large number of trustees of those charities with which this Bill proposes to deal?—I think the division gave a fair indication of the opinions both of those who were trustees and of those who were not.

3006. With regard to the governing body proposed by the two different Bills, have you any reason for preferring the one to the other?—I have two reasons for preferring the Public to the Private Bill in this particular. I think the governing body provided by the Public Bill is to consist of a number which may fairly attend to the business, and in which variety of interests would be fairly represented; in which, therefore, a particular direction could not be given to the application of the funds. With regard to the other body, it is so large, and the independent element in it is so small, that I think it would represent almost exclusively very much the same sort of interests that are at present represented by the different bodies of trustees.

3007. Do you think if the majority of the new governing body were elected practically from the same body that now govern, that public body would possess the confidence of the City of London; I do not mean of the Corporation, but of the City of London?—Apart from the Corporation, and apart from the mechanism of the City, I should say there was no place where it was more difficult to get at what is the real opinion of people than the City; people come there for business purposes almost exclusively.

3008. Do you think it would obtain the confidence of the public generally?—Of the public generally, I should doubt very much.

3009. Mr. *Macfarlane*.] I have here a petition which has been presented to the Charity Commissioners, signed by a very large number of merchants and others in the City of London. This petition states that “Roman Catholics within the City are excluded from the legitimate right of participating in the City charities by the unjust conditions imposed upon the recipients, namely,

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[*Continued.*]

the necessity of presenting themselves at Protestant places of worship for adults, and regular attendance at the different ward schools for children ; or in other words, that Roman Catholics can only become entitled to those charities by conforming to the religion of the Protestant Church." Can you say whether that is a true representation of the state of things?—I cannot answer that question in a general way at all. I can throw just the slightest scintilla of a gleam upon it in this way. I have a weekly dole gift in my parish of St. Faith ; I have a dozen loaves to give away to a dozen poor people ; one of those dozen who has received it for many years is, and always has been, a Roman Catholic. It has not been made a condition that she should come to church. She comes for her loaf after service, a little late sometimes, and I have a small joke with her occasionally I say, "I suppose the function was long this morning," or, "Father So-and-so preached a good while," but I have never even suggested to her that she should attend our church service in order to secure her loaf.

3010. That, no doubt, represents your personal action in a case of this kind ; but are you sure that in the other parishes the same liberality of distribution is adopted?—I am not at all sure.

3011. Are you aware that it is not?—I could not say that it is not. I can answer the question so far as this, that the Ward schools are supposed to be Church schools.

3012. And therefore are unavailable absolutely to the poor Roman Catholic children?—I do not think the poor Roman Catholic children have ever been admitted into the ward schools, nor, to my knowledge, have they ever applied for admission.

3013. There are no donations of money made by the City charities for schools, excepting ward schools?—I do not think, generally speaking, much, if any, of these charities has been applied to the maintenance of the ward schools. There may have been in special cases some grants, but that is not within my knowledge. The ward school, with which I am best acquainted, was kept up entirely by subscriptions, by collections at the churches in the ward, and by some accumulation of the funds which had been laid by in previous years, but these schools were originally instituted at a time when nobody thought of having anything except denominational schools, and they were instituted as Church of England schools. For the most part, I do not think these original regulations have ever been relaxed at all, certainly not within my knowledge. As far as I am aware, these schools are not in any way dependent for their support upon any money derived from these charities now under discussion.

3014. If it has been stated before the Committee by many witnesses that there are accumulations of surplus funds arising in many parishes from the absence of poor, I understand the explanation of that is that the absence of poor means the absence of Protestant poor?—Oh, no.

3015. I do not say it is so stated by any means ; the reason I put it in that way is, because there is a large parish of St. Mary, Moorfields, in London, which has a school for poor children amounting to 500 or 600 ; they have applied to the City parochial charities for a donation to assist them in the education of those children, and have been refused ? —

3016. *Chairman.*] Do you know anything of that?—I know absolutely nothing. It has not been an application which has ever been made to any charity with which I am connected, and I have never heard of the application being made or of its being refused. I can answer it so far as this, that no such application has been received by my parish nor by any other parish within my knowledge.

3017. *Mr. Macfarlane.*] Still, you think there is a condition which renders the application of those funds inapplicable to the children of any other persuasion than the Church of England?—No, I do not think so. I am not aware that any of these bequests have, at the present, an educational direction, unless it is under some special schemes with which I am not acquainted.

3018. *Mr. Baring.*] Do you consider that there would be any preference in assigning the management of the new scheme, whatever it might be, to the Charity Commissioners, or to an independent body of Commissioners?—Do
you

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[Continued.]

you mean the management of the whole surplus fund, when it is settled how that shall be applied?

3019. Yes, of the whole concern, whether it be desirable to appoint a separate Commission or refer the whole matter to the Charity Commissioners?—Do you mean the Commission of Enquiry or the new governing body?

3020. The temporary Commission?—My own opinion would be that, on the whole, it would be desirable, and tend to get the work done more quickly, to have a special Commission charged with that particular work, and as you have asked me a question with respect to it, I would venture to say I think that Commission ought to be as independent of the City as possible. There is plenty of information for whoever may be appointed, in print and otherwise, and they had better come to it, so to say, fresh from without, and not be persons appointed from within the City.

3021. Have you ever applied yourself, or do you of your own knowledge know of other persons who have applied to the Charity Commissioners, and have been kept very long waiting before they could get any attention paid or any scheme framed?—For the reasons I have already given I have never made an application myself to the Charity Commissioners. I have heard that there is some difficulty in getting speedy attention to applications for schemes, but I do not think what I can say on this subject will at all strengthen the evidence that has been given already, if I may say so.

Examined by Mr. Claude Baggallay.

3022. Do you think it would be desirable that there should be represented on the temporary Commission an element of the Charity Commission?—I have no very strong opinion on that, one way or the other.

3023. I see in your petition you propose that the Bishop of London for the time being should be a member of it; I did not know whether you had any particular opinion with regard to that?—We rather suggested that in addition to three paid Commissioners to be appointed by the Crown, as the arrangement has been found to work very well in the Ecclesiastical Commission, that there should be four other unpaid Commissioners appointed, of whom the Bishop of London for the time being should be one; but with that exception we desire that all should be appointed by the Crown.

3024. Will you tell me what the number of fellows and members of Sion College is?—From 175 to 180.

3025. Do you know how many of those are vicars or rectors of City parishes?—I think it is about 60; between 60 and 70 now.

3026. So that about two-thirds represent places within the metropolis, but outside the City?—I do not think the proportion is as large as two-thirds, but it is more than half.

3027. With reference to this petition of Sion College in favour of the Public Bill, I see it states in the head of the petition that it is presented by a committee appointed by the president and fellows of Sion College, pursuant to notice of 24th June 1881, to promote the reform of the Parochial Charities of the City of London, or the general principles embodied in the Bill introduced in the present Session into Parliament. That petition then was presented by a committee appointed to support a Bill promoted on the lines of a Bill then before Parliament, and before the Private Bill had ever been put forth, was it not?—Will you allow me to point out to you first of all, that that is not the Sion College petition; that is the petition of a committee appointed by Sion College. Subsequently the College itself adopted a very similar petition in favour of the Public Bill.

3028. I have never seen that other petition. I was asking as to the petition of the committee. There is a petition against the Private Bill which is headed "The petition of the undersigned fellows?"—That petition was signed by those who signed it in their individual capacity. Some of us having long interested ourselves in the matter were anxious to express our opinions publicly, and it

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[Continued.]

seemed that there would not be time to hold a college meeting before the day after which petitions would not be received by this Committee. That day was postponed more than once, so that we were able to get our College meeting, and then the College adopted a petition in favour of the Public Bill. There are three petitions altogether that have come to some extent from Sion College. There is the petition of the College in favour of the Public Bill; there is the petition of the committee in favour of the Public Bill, and there is the petition from certain fellows of Sion College against the Private Bill.

3029. These five appear in their individual capacity, and not as representing Sion College?—Quite so; they have no representative character.

3030. Do you think it is necessary that there should be legislation this year on that subject?—I think the more speedily the question can be settled the better.

[The Witness withdrew.]

Mr. O'Hara was heard to reply on behalf of the Promoters of the Private Bill.

The room was cleared, and the Committee deliberated.

After some time Counsel and parties were re-admitted.

The *Chairman* intimated that a Member of the Committee desired to put a few questions to Mr. Pearce on a special point which had arisen in the course of the inquiry.

Mr. Robert Pearce re-called.

3031. Mr. Macfarlane.] I want to ask you, as you have a very familiar knowledge of the administration of the City charities, as shown by the evidence you gave before this Committee, if you can tell me, whether in the distribution of those charities and in the granting of dole's pensions and food donations any sectarian conditions were annexed to those grants?—Not in any case that I am aware of.

3032. Do you mean by that that it was not necessary for persons who claimed relief by donations from those charities to attend the parish church?—Not by virtue of any regulation made by any body of trustees.

3033. Nevertheless, was it a practice that they had to do so?—I should think not a practice. I have heard of individual cases where the clergy in a particular parish have desired the attendance of the recipients of the charity at their parish churches; but not in any way that could be considered unfair or improper as far as I know.

3034. They made that a condition of the relief being given?—Oh, dear, no; not on any account.

3035. Did they, notwithstanding the refusal to comply with that condition, still grant the relief?—I have known many cases where that has happened.

3036. Have you known any where refusal to comply with the condition has been followed by the stopping of the relief?—No, certainly not; and I can mention cases, for instance, if I were to select one denomination from another, where those who are usually called Roman Catholics have shared in the distribution.

3037. Then it was not made usually the condition preceding the receipt of relief that they should attend the parish church?—Oh, dear, no.

3038. And, as far as you know, no cases occurred in which they were debarred from relief for non-compliance with that condition?—I do not know of any such case as you describe. There are funds that are specially applicable to Church of England persons; and, of course, those cases are on a separate footing.

3039. My question refers merely to those bequests that are left with no conditions attached except residence in the parish?—Quite so.

3040. And

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Mr. PEARCE.

[Continued.]

3040. And in the case of those bequests, you cannot say of your own knowledge that conditions inconsistent with the religious creed of the applicants have ever been imposed?—Never imposed by any body of trustees.

3041. That might lead to misunderstanding. You mean it is not in the original scheme of the trustees?—Nor in the conduct.

3042. Nor in the practice?—Nor in the practice.

3043. Does the same thing apply to grants to schools?—I cannot tell. Grants to schools are usually impossible, by their not being within the power of the trustees to whom the application is made.

3044. Do you happen to be aware that the managers of the Roman Catholic schools at Moorfields have applied to the City parochial charities for assistance in educating their poor children, and have been refused?—I have not heard of it.

3045. You are not aware of it?—I am not aware of it; that refusal would very likely arise from the fact that they were not able to give anything out of the funds at their disposal.

3046. I have a petition, signed by a great number of people in the City, complaining that the Roman Catholics are excluded from the benefit of the charities by the conditions imposed on the recipients?—I should not think there was any large justification for that at all.

3047. It is signed by a large number of persons in the City of all creeds who make that charge in a petition addressed to the Charity Commissioners, but you say you are not aware of that?—No, I am not aware of that.

[The Witness withdrew.]

The room was again cleared, and the Committee deliberated.

After some time Counsel and parties were re-admitted.

Chairman.] The Committee have passed the following Resolution:—
“That in the opinion of the Committee it is expedient to proceed with the Public Bill.” At their next meeting the Committee will proceed to consider the particular words of the Preamble, and the Clauses of the Public Bill.

Tuesday, 9th May 1882.

MEMBERS PRESENT:

Sir Thomas Acland.
Mr. Baring.
Mr. Bryce.
Mr. Corry.
Mr. Cubitt.
Mr. Firth.
Mr. Lewis Fry.
Mr. Gorst.
Mr. Jackson.

Mr. Walter James.
Mr. William Lawrence.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Mr. Arthur Peel.
Earl Percy.
Sir Matthew White Ridley.
Mr. John Talbot.

THE RIGHT HON. G. J. SHAW LEFEVRE, IN THE CHAIR.

THE *Chairman* desired to know whether Counsel representing the Private Bill were in attendance to cross-examine the witness?

Mr. *Wyatt* replied that Counsel were not in attendance, inasmuch as they considered the decision of the Committee on the previous occasion as equivalent to the rejection of the Private Bill, and, wishing to be free to oppose the Public Bill in all its subsequent stages, they were not desirous of taking any part in the settlement of the Bill.

The *Chairman* thought the rule as to a Private Bill would not apply to the Bill before the Committee, and that if Counsel were not in attendance the cross-examination of the witness must be proceeded with in their absence.

The Rev. *William Fleming*, sworn.

3048. Mr. *Macfarlane*.] You are one of the priests of the parish of Moorfields?—Yes.

3049. Your parish is situated in the City?—Yes, it extends over nearly all the City.

3050. And your parishioners are drawn from all parts of the City?—Yes.

3051. That is to say, your church in Moorfields is the parish church for the Catholic inhabitants of the whole City?—That is substantially so.

3052. We have asked some questions of other witnesses with reference to the administration of these charities, whether they were open to Dissenters of all kinds, and to Roman Catholics upon application, or whether there were sectarian conditions attached to the receipt of the money of those charities which practically debar Roman Catholic parishioners of the City from any benefit from them; can you say if that is so?—I say there are sectarian demands which prevent Catholics generally from making application.

3053. Can you give any specific instances in which an application was made for a grant for the Catholic poor, and was refused?—Yes; I recollect, I think it is about three years ago, there was a gentleman on the part of the Charity Commissioners who sat in the vestry of Coleman-street to receive suggestions as to how they should spend the surplus of the money in the parish, and after various suggestions had been made, I stood up and suggested that a certain portion of the money should be given to us, the priests of Moorfields, for the poor children in our parish schools, and also suggested that a certain amount of money should be given to us to distribute amongst our poor. They answered to what I said——

3054. Who

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[Continued.]

3054. Who are "they"?—The clerk and the meeting generally answered; there were only two gentlemen in favour of my application.

3055. You mean the representatives of the charity?—Yes; they answered at once that our children if they wished to participate in this charity could go to the Ward schools. Then I pressed that sending our children to the Ward schools would be practically bringing them up in the Protestant religion, and they could not go there without injuring their faith, and therefore we could not sanction sending our children to the Ward schools, and I begged them further to consider whether they would give us a certain amount of the money to distribute amongst our poor. The meeting was totally against me. There was one gentleman who was a Dissenter who stood up and said he thought it was only fair, and there was a Catholic gentleman also; there were only two in favour of me, and the rest rejected my application.

3056. Mr. *Gorst*.] What you asked for was a concurrent endowment?—Amongst the various things suggested for distributing the money, I think one was for giving a stained glass window to the church, and I suggested that instead of giving money for that purpose the money should be given rather to the poor children of our schools.

3057. Mr. *Macfarlane*.] That was the surplus money over and above their usual necessities?—Yes; that was refused. Then I suggested with regard to the poor woman going to the church on Sunday that the services of the Protestant Church are held at about the same time as ours, from 11 to 1, and I understood that the poor women going to receive alms are supposed to be at the services generally. I do not say that this is absolutely always insisted on, but they are supposed to go to the church to get their loaves at the principal churches in London. I have inquired about that of some people who are not Catholics, and they gave me the short answer that they supposed that the people who received the charity on Sunday were supposed to be present at the service.

3058. You consider that condition of being present at the service is a bar to the receipt of these donations?—Yes; and I conceive that the necessity of poor people hastening to the church from our services is a bar to the recipients of the charity.

3059. In fact they could not conscientiously attend the churches so as to qualify them to receive the charities?—Not in my opinion. It is only fair for me to add with regard to one part of the question with regard to the poor people, that the gentleman said if I brought forward any specific cases of wants on the part of the poor, they would consider them, but then I thought that was very impracticable, because supposing we attend people in their own homes in a court or alley, it would not do for us to go and ask the vestry clerks for a shilling or so to give amongst these poor people, and to go up to them and to refer them to them constantly.

3060. What you wanted was an allotment out of the charities that you might yourself distribute amongst the poor?—Yes.

3061. And that was refused?—And that was refused.

3062. Mr. *Cubitt*.] You are aware, probably, that there was a Royal Commission sitting in the year 1879–80 on these charities?—Yes.

3063. Did you make any application in this point?—I think it must have been the occasion. There were representatives of the Charity Commissioners.

3064. No; a special Royal Commission was appointed to sit on the City charities three years ago, which has reported?—That is, taking evidence. I think that was the occasion of the Committee to whom I made the proposal.

3065. Mr. *Macfarlane*.] No, it could not have been the same?—Then I was not aware of it.

3066. Mr. *Cubitt*.] I wanted to ask whether you made to the Secretary of that Commission any representation of the same kind that you have made now?—No.

3067. Mr. *Walter James*.] Have you read through the Private or the Public Bill before this Committee?—Roughly I have read them both.

3068. Have you any suggestion to make?—No, I have no suggestion to make; it is not our part. I do not wish at all to interfere in sending the charities

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Rev. W. FLEMING.

[Continued.]

ties out of the City, because it would rather be our interest to keep them in the City. I think the wants of all the poor in the City should be satisfied before they think of distributing the charities outside the City. We have a large number of poor children in our schools; in fact, we have not a sufficient number of children to establish a middle-class school.

3069. Mr. *Macfarlane*.] What number of poor children have you?—I should think in attendance there would be 500 children. On the books there would be perhaps 600.

3070. These 500 or 600 children are collected from all parts of the City?—Yes, and they are nearly all absolutely poor. We have to provide everything for them.

3071. If you had been entitled to your portion of these charities it would not have been confined to the St. Stephen's, Coleman-street, Ward, but would have extended to all the parishes of the City?—Yes; our parish extends over the whole City.

3072. Mr. *Walter James*.] These parishioners of yours are scattered in different parts of the City?—Yes.

3073. Mr. *Bryce*.] How many children have you in your schools?—We have about 500.

3074. Where are they situated?—They come from all parts of the City.

3075. Where are your schools situated?—Our schools are situated next to the church in Blomfield-street. It is in the City, near Finsbury Circus.

3076. You are very near the edge of the City there?—Yes, just in London Wall; it is in the City.

3077. Probably a good many of your children come from outside the City; do not they?—No, I think the principal number of our children are in the City. Windsor-street is in the City.

3078. Still, the school is situated on the very edge of the City?—Yes, Finsbury Circus is really in the City. I forgot to state that we have a supplementary school outside the City, in Crespian-street, with an average attendance of 123 children, but these children nearly all come from the City.

3079. I should have thought most of the poor children would have come from outside?—No, our parish extends all over the City, and they come from each part of the parish; therefore they come from all parts of the City.

3080. Your parish extends over the whole City?—Nearly; there is just a small portion of it in the Catholic parish of Tower-hill and part in Bunhill-row, but not a considerable portion.

3081. Then your schools are for the benefit of the whole Catholic population of the whole City except the district of Tower-hill?—Yes, and a small part of Bunhill-row. I forgot to say that the parishes of Ely-place and Spicer-street have also a small portion.

3082. So that, practically, you represent, you may say, the Catholics of the whole City?—Yes.

3083. Mr. *Gorst*.] Do you know of any instance in which anybody has ever applied for relief to one of the City parochial charities, and been refused on the ground that he was a Roman Catholic?—I do not know any instance of one single person. It does not occur to my mind now, but I know that they are supposed to go to the church after the service and ask for charity if they want it. If they fulfil that requirement they get the charity.

3084. My question was, do you know of any instance of any person being refused on the ground that he was a Roman Catholic?—I only know the instance of my application on their behalf.

3085. That was not refusing any individual person?—No.

3086. What you wanted, then, was a concurrent endowment. You wanted to have part of the parochial charities to spend among your children?—Yes.

3087. Who are all Roman Catholic children?—Yes.

3088. Mr. *Baring*.] You suggested that the surplus of charities of a certain parish should be given to your parish in Moorfields. Do you conceive that there was any legal power of granting that surplus?—I think it was only a suggestion to them to obtain legal power to grant the surplus.

3089. A suggestion

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Rev. W. FLEMING.

[Continued.]

3089. A suggestion to whom?—I think the minutes of that meeting were to go before the Charity Commissioners afterwards, and it was simply a suggestion for the Charity Commissioners as to the best mode of spending the money.

3090. You wished the Charity Commissioners to give authority to the managers of the charities of Coleman-street to give money to you?—Yes.

3091. Why did not you ask the Commissioners to do it yourself?—There was a representative there of the Commissioners.

3092. No, no, there was not; surely you are able to apply to the Commissioners yourselves?—Well, we have applied now.

3093. To the Charity Commissioners?—I suppose it is to the Charity Commissioners.

3094. To the Commission appointed to inquire?—No, we did not apply to them.

3095. You say you were told that the children could go to the Ward schools. As to the loaves, you say the people who came for the loaves are supposed to attend the Church Service?—I have been told so.

3096. Do you know any case of any person who has been refused a loaf because he or she was not at the Church Service?—No; I cannot recollect any case.

3097. Have you any knowledge of your own on which you base the supposition?—I have only this knowledge, that the people know the requirements, and it really stops them from making any application.

3098. But we had it in evidence before us last week, that in the parishes of St. Faith and St. Augustine, one regular recipient is a Roman Catholic, who never goes to the service?—I do not deny that; there may be exceptions.

3099. You have no knowledge at all that any single person has been refused a loaf because he or she was a Roman Catholic?—No; I only know the general objection of the poor people to go because of these conditions.

3100. This is the statement: "I have a dozen loaves to give away to a dozen poor people; one of those dozen is, and has been, for a long time, a Roman Catholic. It has not been made a condition that she should come to church. She comes a little late sometimes, and I have a little joke with her sometimes. I say, 'I suppose the function was a little long this morning,' or, 'Father So-and-so preached longer, but I have never made her come to church;'" there is a positive statement one way, and all we get from you is that it is supposed people are required to go to church?—I have been told that the people have to go to the church to get their loaves.

3101. But not to attend the service?—Yes. I have been told, not by Catholics, but by Protestants, because I made a particular point of asking that question, and trying to get it answered.

3102. Can you give us any evidence?—I have asked a person who was a Protestant, whether they were generally supposed, throughout London, to attend the service.

3103. But it is not evidence to say that it is generally supposed?—I was asked whether they were generally supposed to attend, or obliged, I think was the word used, to attend the service in order to obtain this charity, and they said "yes."

3104. Mr. *Macfarlane*.] It is not within your knowledge that it is an absolute condition of granting those charities that they should attend a parish church, but there is a general belief among the poor themselves that that is a condition, and that debars the poor from approaching these charities for this purpose?—Yes.

3105. That is what you mean?—Yes.

3106. Mr. *Firth*.] You are not prepared to say that it is a universal custom throughout the City, that people who receive these charities are compelled to attend the service?—I am prepared to say that I have been told that it was a general custom.

3107. Mr. *Macfarlane*.] You are prepared to say the poor believe that?—The poor believe it.

3108. Mr. *Cubitt*.] You have not tested it by any special case?—I think it is very unlikely that the poor people would make an application when it is generally understood.

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3109. But

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REV. W. FLEMING.

[Continued.]

3109. But you have not commissioned any special poor person to make an application in order to test whether that is true or not?—No; I have not.

3910. Mr. John Talbot.] I think you said you had applied to the Charity Commission on the subject?—I think there was a representative of the Charity Commissioners there about three years ago. I think that gentleman was a representative of the Charity Commissioners.

3911. Have you ever made any formal complaint to the Charity Commissioners that persons are refused relief from the City charities on account of their religious persuasions?—No; I have never made a formal complaint.

3912. You never made any representation to them on that subject?—No; I should like to add, not before the present occasion.

3913. Do not you know that the Charity Commission are the persons charged by Parliament with the supervision of the charities of the country. Is that within your knowledge?—I have understood so.

3914. Do not you think the best way, if you have a grievance of this kind, would be to apply to the persons who are made responsible by Parliament?—We have made an application just now to the Charity Commissioners.

3115. I want to have it clearly before the Committee whether you have or have not applied to the Charity Commission on this alleged grievance?—No, we have only made a formal petition, which is in the hands of the Commission which is now presented, I believe, signed by about 200 parishioners. Our principal complaint is about the poor schools.

3116. Mr. Macfarlane.] From what source do you derive the means of educating these 500 children?—From voluntary contributions of people in the City.

3117. Mr. Firth.] Why do not you send them to the Board schools?—In the first place I object to sending them to the Board schools on this principle that they receive no instruction in their religion.

3118. You are aware that some Board school masters and mistresses are Roman Catholics?—I do not think they would be allowed to give religious instructions in their own faith in the Board schools.

3119. Are you not aware that they give general religious instructions which is unsectarian?—I think the general religious instruction which is unsectarian is often tinged with the peculiar ideas of the person who gives it.

3120. And you would object to that even when given by a Catholic master?—In the Board schools, I suppose, if a master is authorised to give religious instructions, he would give it, but I do not think a Catholic would be allowed to give any particular impress of his own religion in the general instructions of the Board school.

[The Witness withdrew.]

Mr. Roberts desired to know whether this was the proper time to tender evidence on behalf of the parish of St. Luke, with reference specially to Clauses 5, 7, 11, and 14 of the Public Bill.

The Chairman thought the consideration of these clauses had better stand over for the present.

The room was cleared, and the Committee deliberated.

After some time, parties were re-admitted.

Chairman.] The Committee have reached Clause 5. For reasons which it is unnecessary that I should enter upon, they have at present postponed Clauses 2, 3, and 4. Having reached Clause 5 they wish to hear what Mr. Roberts has to say.

Mr. Roberts was then heard to address the Committee on behalf of the parish of St. Luke's, Old-street, with regard to its claim to share in the charities belonging to St. Giles', Cripplegate, and in support of the following amendments:

In Clauses 5 and 7 of the Public Bill, to enlarge the definition of vested interests, so as to include such an interest as the parish of St. Luke had in the joint charity funds of St. Giles', Cripplegate.

The

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The *Chairman* pointed out that as the funds to which the learned counsel alluded had already been dealt with under a scheme sealed by the Charity Commissioners as specially applicable to St. Luke's they appeared to him to be entirely beyond the scope of the Bill.

Mr. *Bryce* said that they did not require the protection of the words in the vested interest clause at all. It would be beyond the power of the Commissioners upon the whole framework of the Act to affect the interest which the parish of St. Luke had already got.

Mr. *Roberts* was further heard in support of the following amendments:

In Clause 14 to insert after the word "applicable," at the end of the 8th line of Sub-section B the words "Or within any parish which was formerly united with or formed part of such parish."

To insert after the words, "To the promotion and improvement of the education of the poorer inhabitants of such parish," the following words from the 15th Section: "whether by means of exhibitions or of technical instruction or of secondary education, or of art education, or otherwise as to the Commissioners may seem good."

To insert after Clause 14 the following clause:

"In the preparation of a scheme for the management of the charities held and enjoyed by the parish of St. Giles, Cripplegate, in the City of London, jointly with the parish of St. Luke, Old-street, in the county of Middlesex, the Commissioners shall make provision for the following:

"(1.) The protection of the existing rights of the said parish of St. Luke, Old-street, to the present apportionment of the said joint charities, and to the further sums directed to be set aside for the benefit of the parish of St. Luke by the scheme of the Charity Commissioners of 21st December 1877.

"(2.) The appropriation under the administration of the joint estates' trustees for the benefit of the parish of St. Luke's, any surplus out of the share of the parish of St. Giles, in the said joint parochial charities, after making due provision for the benefit of the poor of the parish of St. Giles, as in this Act provided."

The *Chairman* intimated that the Committee were prepared to concede the principle of claim contended for by the parish of St. Luke, but at the same time they thought there was nothing in the Bill which affected St. Luke's in the smallest way. However, the proposed clause would be considered, and if the legal Members of the Committee thought there was any necessity for the addition of further words for the protection of St. Luke's, they would be added. Under those circumstances they thought that Mr. *Roberts* should be satisfied with that assurance, and there would be no necessity for his calling evidence, there being no dispute as to the facts.

Mr. *Beachcroft* was heard to address the Committee on behalf of the Governors of Christ's Hospital in support of the following definition of a "Parochial Charity," in lieu of the definition contained in the first five lines of Section 5 of the Public Bill:

"Parochial charity means an endowment which, or the income of which, has been made legally applicable, or is applied;

(1.) For the maintenance, repairs, or ornaments of, or for services, sermons, or lectures in the parish church of any of the parishes named in the Schedules hereto, or for the support of almshouses within any such parish, or for any parochial purpose or purposes, whether general or specific, of any such parish, or of some division thereof;

(2.) For the benefit solely or primarily of persons who, or some relative or husband, of whom are, or is, or have, or has been, habitation, or an inhabitant of, or employed, born in, or otherwise personally connected with any of such parishes, or divisions of parishes, the parish, or division of parish, forming part of the legal description of the objects of

9th May 1882.

the charity. An endowment which is partly a parochial charity, and partly applicable, or applied to other uses, may be dealt with under the Act, with the consent of the governing body, and of the Commissioners."

And also in support of proposed clauses for the protection of Christ's Hospital, set out in the printed statement in support of the petition on behalf of the Governors of Christ's Hospital.

The room was cleared, and the Committee deliberated.

A P P E N D I X.

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A P P E N D I X.

Appendix, No. 1.

PAPER handed in by Mr. Bryce.

LONDON PAROCHIAL CHARITIES BILL.

Sir,

THE Churchwardens and Trustees of the Parochial Charities of the City of London, and other gentlemen holding representative positions, whose names and parishes are set forth at the foot of this Letter, are promoting, by subscriptions and otherwise, the Private Bill already lodged in Parliament, which I have the honour, by their direction, to transmit herewith for your favourable consideration.

Its purpose is to examine into and ascertain the surplus income of the City Parochial Charities, and to distribute it beneficially within the Metropolitan Police area.

The Bill has been framed upon the recommendations contained in the Report of the Royal Commissioners, 1880, and embodies the principal features of the *Bill introduced by Professor Bryce, M.P.*, last year, but with important improvements due to the local knowledge and influence of the Promoters.

Its leading provisions are as under—

1. The appointment of five Commissioners for five years, to inquire into all the City Parochial Charities, and ascertain and settle the yearly income under two heads—Ecclesiastical and General.

2. The Commissioners are to ascertain and settle how much income can now be fairly applied in the City to existing objects, and to direct the surplus income to be paid to a new governing body.

3. The Commissioners are to frame schemes regulating the new governing body, and directing that body to apply the surplus income outside the City and within the Metropolitan Police District, as follows:—

As to the ecclesiastical surplus with the help of the Ecclesiastical Commissioners for church purposes.

As to the general charity surplus to the following objects for the benefit of the poorer classes:

Pensions under suitable restrictions as to age and other qualifications.

Provident Institutions, Hospitals, and Dispensaries.

Open spaces, recreation and drill grounds.

Education by means of exhibitions or technical secondary or art education.

Other beneficial objects, physical, moral, and social.

4. The new governing body it is suggested should consist of 50 persons, viz., 29 representing the present Trustees, six the Corporation, and 15 the rest of the Metropolis, the last to be appointed by the Government.

5. Provision is made for union of existing Charities and Governing bodies for borrowing money on security of surplus income, and for protecting existing beneficial schemes, vested interests, and rights of parishes outside the City.

6. The powers of the Commissioners after five years to be vested in the existing Charity Commissioners.

The promoters will esteem it a favour if you will after you have considered the Bill give them an opportunity, if you desire it, of affording any further explanation on the subject as early as your convenience may permit.

1, Church-court, Old Jewry,
5 January 1882.

I have, &c.
(signed) *R. Pearce*,
Hon. Sec. to the Committee.

EXECUTIVE COMMITTEE.

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St. Thomas Apostle	-	-		
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					Watson, A. W. Courtenay, jun., Overseers;
					Messrs. Wm. Dinmore, Chas. Jones, and
					A. M. Job, Vestrymen.
St. Vedast Foster	-	-	-	-	Clifford Sergeant, Esq., Churchwarden.
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Holy Trinity the Less	-	-	-	-	G. D. Miller, Esq., Vestry Clerk.

LONDON PAROCHIAL CHARITIES BILL.

1, Church-court, Old Jewry, E.C.,
6 February 1882.

Dear Sir,

I AM desired by the Executive Committee of the Churchwardens and Trustees of the Parochial Charities of the City of London, promoting this Bill, to report that the Bill settled by counsel, has, as arranged, been introduced into Parliament by City and Metropolitan Members as a Private Bill. The regulations as to advertisements and notice to parties interested have been duly complied with, and the Bill passed the Standing Orders Committee without delay or opposition, and is included in the first 100 Private Bills for this Session. There has been an unusually large demand for printed copies. Up to this stage the proceedings, though expensive, have been mainly formal.

We must now anticipate the probabilities of opposition, and at once prepare for effectual advocacy of the Bill in Committee, and prove by evidence the desirability of its provisions. Mr. Bryce has announced his intention to present his Bill a second time, and other opposition of less importance is threatened.

I am to ask you to let me know, with as little delay as possible, which of your Trustees will undertake to give evidence before the Committee when called upon, and to ask you to be prepared to do the same if required. For your assistance I enclose some prints of a paper of questions, to be answered and returned to me, to enable me to complete the brief. I need hardly say that no delay should take place, and it will be convenient to receive the replies not later than the 16th instant. Of course the information afforded will be strictly confidential, and employed only to instruct counsel.

I have now to draw your attention to another subject, viz., the expenses of the approaching contest.

The subscriptions which have already been received, amounting to 622 £., have been sufficient to defray the expenses of preparing the scheme and Bill, and of carrying the Bill to its present stage, and this is as much as was then expected. Now we have to prepare for payment of the House fees and the expenses of the contest before Committee. Our Parliamentary Agents advise us that at least 1,000 £. more is wanted. I am directed, therefore, to ask you to press the matter on the attention of your Trustees, and ask them to give again.

Last year your Trustees subscribed ——— mainly to defeat Mr. Bryce's Bill, and now a subscription from them of 15 £. will be proportionate to the present need, and help the Committee to put the whole case fairly before the House.

The Committee is advised that such a contribution must be allowed as a proper expenditure of charity funds, as much as if they had been attacked in the Law Courts instead of Parliament.

May I ask you to submit this appeal to the proper authorities in your parish, and crave of them an early reply, as well as the return of the paper of questions, as fully answered as time will permit.

G. Brodrick, Esq.,
St. Augustine, 9, Bow Churchyard.

Your obedient Servant,
Robert Pearce,
Hon. Sec.

LIST OF SUBSCRIBING WITNESSES.

St. Margaret, Lothbury.
St. Christopher-le-Stock.
St. Edmund the King and Martyr.
St. Mary Woolnoth.
Allhallows, Lombard-street.
Allhallows Staining.
St. Alphage, London-wall.
St. Andrew-by-the-Wardrobe.
St. Andrew, Holborn.
St. Andrew Undershaft.
St. Anne and St. Agnes.
St. Anne, Blackfriars.
St. Bartholomew, Exchange.
St. Benet Fink.
St. Benet, Paul's-wharf.
St. Botolph, Aldersgate.
St. Botolph, Aldgate.
St. Botolph, Billingsgate.
Christchurch, Newgate-street.
St. Clement, Eastcheap.
St. George, Botolph-lane.
St. Giles, Cripplegate.

St. Helen, Bishopsgate.
St. John Baptist upon Walbrook.
St. Katharine Cree.
St. Margaret Pattens.
St. Martin Orgar.
St. Martin Pomeroy.
St. Mary the Virgin, Aldermanbury.
St. Mary Aldermary.
St. Mary-le-Bow.
St. Mary Woolchurch Haw.
St. Michael, Cornhill.
St. Michael, Wood-street.
St. Nicholas Acons.
St. Olave, Old Jewry.
St. Pancras, Soper-lane.
St. Peter-le-Poer.
St. Peter, Westcheap.
St. Sepulchre.
St. Swithin, London Stone.
St. Thomas Apostle.
St. Vedast Foster.

Appendix, No. 2.

PAPER handed in by Mr. *Pearce*, 28 March 1882.

LONDON PAROCHIAL CHARITIES BILL.

PROMOTERS.

LIST of CHURCHWARDENS and TRUSTEES, and other Gentlemen holding Representative Positions, promoting the CITY BILL.

EXECUTIVE COMMITTEE.

PARISH.	Churchwardens and Trustees.	Vestry Clerks.
St. Margaret, Lothbury - -	} Edwin Freshfield, Chairman.	
St. Christopher-le-Stock - -		
St. Bartholomew, Exchange - -		
St. Mary-the-Virgin, Aldermanbury	John Baggallay.	
St. Edmund-the-King and Martyr -	F. A. Bevan.	
St. Botolph, Billingsgate - -	Edward Besley.	
St. Mary, Aldermay - - -	Edward Carlile.	
St. Andrew Undershaft, Datchelor's Charity.	John Cox.	
St. Swithin, London Stone - -	Wm. England.	
St. Martin Orgar - - -	Chas. Game.	
St. Giles Without, Cripplegate -	Cornelius Gillett.	
Trustee John Long Fund - -	F. J. Hanbury.	
St. Botolph, Aldgate - - -	Whinfield Hora.	
St. Antholin - - - -	H. A. Joseph.	
St. Stephen, Walbrook - - -	C. F. Kemp.	
St. Margaret, Lothbury - -	J. A. Kingdon.	Robt. Pearce, Hon. Sec.
St. Giles, Cripplegate - - -	- - - -	
St. Mary Woolchurch Haw - -	} - - - -	
St. Mary Woolnoth - - -		H. D. Phillips.
St. Nicholas Acons - - -		
St. Sepulchre - - - -	Thos. Simpson.	
St. Benet, Sherehog - - -	- - - -	
St. Thomas Apostle - - -		
St. Andrew Undershaft - -	John W. Yell.	

PARISH.	Churchwardens and Trustees.	Vestry Clerks.
Allhallows, Bread-street - -	- - - -	J. Mackrell, Esq.
Allhallows-the-Great - -	- - - -	B. Miller, Esq.
Allhallows-the-Less - -	- - - -	J. E. Hardy, Esq.
Allhallows, Honey-lane - -	Rev. M. H. Vine.	
Allhallows, Lombard-street - -	Joseph H. Tritton, Esq. -	W. P. Nettleship, Esq.
Allhallows, London-wall - -	- - - -	J. H. Borley, Esq.
Allhallows Staining - -	- - - -	J. A. Tilleard, Esq.
St. Alphage, London-wall - -	G. B. Hall, Esq. Geo. Rt. Tattersall, Esq.	
St. Andrew-by-the-Wardrobe - -	Kay Hardy, Esq. - -	F. W. L. Farrar, Esq.
St. Andrew, Holborn - -	R. G. Lloyd, Esq. - - Thos. Chase, Esq.	M. Pontifex, Esq.
St. Andrew Undershaft - -	- - - -	C. R. Rivington, Esq.
St. Anne and St. Agnes - -	Thos. Young, Esq. - -	Henry de Jersey, Esq.
St. Anne, Blackfriars - -	Messrs. Starkey, Catchpole, and Harvey.	Daniel Stock, Esq.
St. Bartholomew-the-Great - -	Thomas Wildash, Esq. -	W. H. Jackson, Esq.
St. Bartholomew, Exchange - -	John Norbury, Esq. H. Stephens, Esq.	
St. Bartholomew, Moor-lane - -	Francis A. Hancock, Esq.	
St. Benet Fink - -	W. Johnson, Esq. - -	F. H. Pullen, Esq.
St. Benet, Paul's Wharf - -	Wm. Hudson, Esq. - - Archibald McDougall, Esq.	A. B. Hudson, Esq.
St. Botolph, Aldersgate - -	Rev. Flood Jones - - Jno. Geo. Hutchinson, Esq.	Wm. McNeill, Esq.
St. Botolph, Aldgate - -	Rev. — Robertson - -	R. Glynes, Esq.
St. Botolph, Billingsgate - -	J. L. Sayer, Esq. - -	Geo. Packer, Esq.
Christchurch, Newgate-street - -	— Mixer, Esq. - -	F. Cox, Esq.
St. Clement, Eastcheap - -	H. Green, Esq.	
St. Dionis Backchurch - -	Thos Fricker, Esq. - -	H. J. Godden, Esq.
St. Dunstan-in-the-West - -	Geo. Manners, Esq. - -	A. Tisley, Esq.
St. George, Botolph-lane - -	Richd. Grantley, Esq.	
St. Giles, Cripplegate - -	Willm. C. Pearson, Esq. - Wm. Bassingham, Esq. Geo. M. Felton, Esq.	Baylis & Pearce.
St Gregory-by-St.-Paul - -	- - - -	F. W. L. Farrar, Esq.
St. Helen, Bishopsgate - -	Robt. Barton, Esq. - -	R. T. Wragge, Esq.
St. John the Baptist-upon-Wallbrook - -	J. R. W. Luck, Esq. - -	M. N. Buttanshaw, Esq.
St. John the Evangelist - -	- - - -	J. Mackrell, Esq.
St. John Zachary - -	F. F. Day, Esq. Chas. Cross, Junr., Esq.	
St. Catherine Coleman - -	J. E. Sly, Esq.	
St. Catherine Cree - -	Jas. Marriage, Esq.	
St. Leonard, Eastcheap - -	- - - -	C. F. Murray, Esq.
St. Magnus the Martyr - -	Robt. P. Tayler, Esq. -	T. D. Francis, Esq.
St. Margaret Moyses - -	- - - -	N. S. E. Steinberg, Esq.
St. Margaret, New Fish-street - -	Thos. Vincent, Esq.	
St. Margaret Pattens - -	Thos. Adams, Esq.	
St. Martin Pomeroy - -	J. Smith, Esq.	
St. Martin Vintry - -	- - - -	G. W. Marsden, Esq.

PARISH.	Churchwardens and Trustees.	Vestry Clerks.
St. Mary Abchurch - - -	- - - -	Maresco Pearce, Esq.
St. Mary-the-Virgin, Aldermanbury	- - - -	C. E. Wilson, Esq.
St. Mary Aldermary - - -	J. R. Steele, Esq. - -	J. R. F. Rogers, Esq.
St. Mary-at-Hill - - -	H. Hill, Esq.	
St. Mary-le-Bow - - -	Wm. White, Esq.	
St. Mary Magdalen, Old Fish-street	Rev. M. H. Vine	F. Farrar, Esq.
St. Mary Mounthaw - - -	Jas. Hughes, Esq.	J. E. Walford, Esq.
St. Mary Somerset - - -	- - - -	J. E. Walford, Esq.
St. Mary Staining - - -	- - - -	Henry De Jersey, Esq.
St. Mary Woolchurch Haw - -	Joseph Bowles.	
St. Michael, Cornhill - - -	Joseph Savory, Esq.	Fredk. Boyle, Esq.
St. Michael, Crooked-lane ..	John Beaumont, Esq. -	J. B. Towse, Esq.
St. Michael-le-Querne - - -	Rev. — McCaul - -	P. J. Burn, Esq.
St. Michael, Paternoster Royal	John V. Moore, Esq. -	G. W. Marden, Esq.
St. Michael, Queenhithe - -	J. Horwood, Esq. - -	H. Hill, Esq.
St. Michael, Wood-street - -	- - - -	H. Gregory, Esq.
St. Mildred, Bread-street - -	W. F. Westwood, Esq. -	N. S. E. Steinberg, Esq.
St. Nicholas Acons - - -	G. P. Caldecott, Esq.	
St. Nicholas Coleabbey - - -	Walter Hawtrey, Esq. -	
St. Nicholas Olave - - -	H. Green, Esq.	J. E. Walford, Esq.
St. Olave, Hart-street, with St.	- - - -	J. E. Walford, Esq.
Nicholas-in-the-Shambles.	- - - -	W. Heath, Esq.
St. Olave, Old Jewry - - -	C. E. Smith, Esq. - -	
St. Pancras, Soper-lane - - -	J. Plummer, Esq.	S. F. Fisher, Esq.
St. Peter-le-Poer - - -	W. J. Smith, Esq. - -	W. W. White, Esq.
St. Peter, Cornhill - - -	Jas. Robt. Pike - - -	Fredk. Boyle, Esq.
St. Peter, Paul's Wharf - - -	- - - -	J. J. Watts, Esq.
St. Peter, Westcheap - - -	- - - -	J. W. Warren, Esq.
St. Sepulchre - - -	J. Tidswell, Esq. - -	W. Fowler, Esq.
St. Stephen, Coleman-street -	H. S. Way, Esq. - -	C. M. Roche, Esq.
St. Swithin, London Stone - -	- - - -	W. White, Esq.
St. Thomas Apostle - - -	L. M. Rait, Esq. - -	
St. Vedast Foster - - -	C. F. Game, Esq. - -	
Holy Trinity-the-Less - - -	Messrs. Wm. Courtenay, G. H. Bush, W. Boville, G. Watson, A. W. Courtenay, junr., Wm. Denmore, Chas. Jones, and A. M. Job.	C. Batkin, Esq.
	Clifford Sergeant, Esq. -	G. D. Miller, Esq.

Appendix, No. 3.

PAPER handed in by Mr. *Freshfield*, 21 April 1882.

LONDON CITY (PAROCHIAL CHARITIES) BILL.

LIST of CHURCHWARDENS, &c., attending Meeting at Cannon-street Hotel on
20th May 1881.

CHURCHWARDEN.	PARISH.
R. W. Starkey - - - - -	St. Ann, Blackfriars.
Whinfield Hora - - - - -	St. Botolph, Aldgate.
Edwd. Carlile - - - - -	St. Mary Aldermary.
T. J. Rowsell - - - - -	St. Matthew, Friday-street.
Thos. W. Elliott - - - - -	Allhallows Staining.
Archd. McDougall - - - - -	St. Benet, Paul's Wharf.
Thos. Young - - - - -	St. Ann and Agnes.
Key Hardey - - - - -	St. Andrews-by-the-Wardrobe.
Hy. S. Way - - - - -	St. Peter, Westcheap.
G. B. Hall - - - - -	St. Alphage, London Wall.
Jas. Marriage - - - - -	St. Katherine Cree.
Thomas Vincent - - - - -	St. Margaret, New Fish-street.
Edward Besley - - - - -	St. Botolph, Billingsgate.
John Cox - - - - -	St. Andrew Undershaft.
Robert Grey - - - - -	Allhallows, Barking.
Wm. J. Smith - - - - -	St. Pancras, Soper-lane.
R. H. Blades - - - - -	St. Mary, Abchurch.
Joseph Bowles - - - - -	St. Mary, Woolchurch Haw.
E. J. Stoneham - - - - -	St. Mary's, Colchurch.
W. R. Stephens - - - - -	St. Bartholomew, Exchange.
C. Sadler - - - - -	St. Mildred's, Poultry.
Fredk. H. Mitchell - - - - -	St. Dunstan's-in-East.
J. E. Shearman, jun., Vestry Clerk	- ditto.
Horace W. Harding, Churchwarden	St. Leonard's, Foster-lane.
John G. Hutchinson, Churchwarden	St. Botolph, Aldersgate.
Jno. Jas. Watts, Vestry Clerk	St. Peter, Paul's Wharf.
F. Frampton Day - - - - -	St. John Zachary.
J. W. Ford - - - - -	Walbrook.
R. Pearce - - - - -	Vestry Clerk, Cripplegate.
W. F. Westwood - - - - -	St. Michaels, Wood street.
C. Gillett - - - - -	Cripplegate.
J. M. Pimm - - - - -	St. James, Garlickhithe.
J. Gillbanks - - - - -	St. Johns.
W. Johnson - - - - -	St. Benet Fink.
J. W. Yell - - - - -	St. Andrews, Undershaft.
R. Berry - - - - -	Allhallows-the-Less.
Arthur B. Hudson, Vestry Clerk	St. Benet, Paul's Wharf.
H. A. Joseph - - - - -	St. Antholin.
Wm. Courtney - - - - -	-
Thomas Moss - - - - -	St. Ethelburga.
C. E. Wilson - - - - -	St. Mary, Aldermanbury.
James Smith - - - - -	-
L. M. Rait - - - - -	St. Stephen, Coleman-street.
Thomas Simpson - - - - -	St. Sepulchre, London.
H. Greene - - - - -	St. Nicholas Acons.
John Harvey - - - - -	St. Clement, Eastcheap.
	St. Ann, Blackfriars.

CHURCHWARDEN.	PARISH.
J. B. Towse, Vestry Clerk, for - - -	} St. Michael, Crooked-lane.
John Voce Moore - - - - -	
Fredk. J. Hanbury - - - - -	St. Edward-the-King.
John Faulkner, C.C. - - - - -	
W. England - - - - -	St. Swithin, London Stone.
John A. Plummer - - - - -	St. Olave, Jewry.
James M. Robertson - - - - -	
R. Glynes - - - - -	} Aldgate.
Henry Martin - - - - -	
John Beaumont - - - - -	St. Michael's, Cornhill.
J. R. W. Luck - - - - -	St. John Baptist-upon-Walbrook.
Jno. Baggallay - - - - -	St. Mary, Aldermanbury.

LIST of CHURCHWARDENS, &c., attending Meeting at Cannon-street Hotel on
16th June 1881.

CHURCHWARDEN.	PARISH.
C. F. Chase - - - - -	St. Andrew Ward.
Key Hardey - - - - -	St. Andrew-by-Wardrobe.
C. Gillett - - - - -	St. Giles, Cripplegate.
F. J. Withers - - - - -	S. S. Augustine and Faith.
T. A. Greme - - - - -	St. Martin Orgar.
C. H. Bowden - - - - -	6, Honey-lane Market.
Fredk. J. Hanbury - - - - -	St. Edmund-the King.
G. W. Marsden, jun. - - - - -	} St. Michael, Paternoster Royal.
Jas. Marriage - - - - -	St. Martin Vintry.
Thomas Simpson - - - - -	St. Katharine Cree.
J. F. Hepburn - - - - -	St. Sepulchre.
William T. Buck - - - - -	St. Benet Sherehog.
A. Tisley - - - - -	- ditto.
Chas. Game - - - - -	St. Dunstan's West.
John W. Yell - - - - -	St. Martin Orgar.
John Norbury - - - - -	St. Andrew Undershaft.
Geo. Manners - - - - -	St. Bartholomew-by-the-Exchange.
Whinfield Hora - - - - -	St. Dunstan's West.
Edwd. Besley - - - - -	St. Botolph, Aldgate.
John Harvey - - - - -	St. Botolph, Billingsgate.
Thomas Chase - - - - -	St. Ann, Blackfriars.
Stephen King - - - - -	St. Andrew, Holborn.
J. G. Murphy - - - - -	- ditto.
T. F. Broome - - - - -	- ditto.
Joseph Savory - - - - -	- ditto.
R. G. Lloyd - - - - -	St. Mary Woolnoth.
J. J. Watts - - - - -	St. Andrews, Holborn.
John A. Plummer - - - - -	St. Peter, Paul's Wharf.
Henry J. Hamer - - - - -	St. Olave, Jewry.
Thos. J. Douglas - - - - -	- ditto.
Wm. Adamson - - - - -	St. Mary Magdalen, Old Fish-street.
Rob. Wrench - - - - -	- ditto.
G. B. Hall - - - - -	St. Magnus, London Bridge.
H. Greene - - - - -	St. Alphage.
	St. Clements, Eastcheap, and St. Nicholas Acons.
E. Carlile - - - - -	St. Mary Aldermary.
W. Johnson - - - - -	St. Benet Fink.
W. J. Smith - - - - -	St. Pancras, Soper-lane.
W. E. Westwood - - - - -	St. Michael's, Wood-street.
J. E. Sly - - - - -	St. Katharine, Coleman.
Chas. E. Smith - - - - -	St. Olave, Hart-street.
R. H. Blades - - - - -	St. Mary, Abchurch.
John Cox - - - - -	St. Andrew, Undershaft.
R. W. Starkey - - - - -	St. Ann, Blackfriars.
Arthur B. Hudson, for Wm. Hudson - - -	St. Benet, Paul's Wharf.
W. England - - - - -	St. Swithin.
Joseph Bowles - - - - -	St. Mary Woolchurch Haw.

CHURCHWARDEN.	PARISH.
E. Walton Ledger - - - - -	St. Mary, Somerset.
A. Pickering - - - - -	St. James, Duke's-place.
Deputy Fry - - - - -	St. Mary, Abchurch.
Alderman Cotton - - - - -	—
Mr. Kemp - - - - -	St. Stephen, Walbrook.
Mr. Tippetts - - - - -	St. Thomas Apostle.
Mr. Pearce - - - - -	St. Giles, Cripplegate.
Major Josephs - - - - -	St. Antholin.
Mr. Kingdon - - - - -	St. Margaret's, Lothbury.
Mr. J. Baggallay - - - - -	St. Mary-the-Virgin, Aldermanbury.

LETTER from Mr. Freshfield to Mr. Kekewich, Q.C.

Dear Sir,

5, Bank Buildings, E.C., 1 April 1882.

I SHOULD very much like you to give me your opinion upon this matter. Enclosed is the Report of the Royal Commission upon the City Parochial Charities, accompanying, also, is a printed document showing a Bill introduced by Mr. Bryce, and a Bill introduced by the City Churchwardens. The City Churchwardens' intention has been to follow the Report of the Royal Commission as near as they can, and you will see from the details of the Bill how nearly we follow it and where Mr. Bryce departs from it. Mr. Bryce's Bill of last year (a copy of which is also sent) you will see, in that which relates to Ecclesiastical Charities, was even further from the Royal Commission in that respect than his present Bill.

Upon his last year's Bill, the Churchwardens and Trustees of the City Parochial Charities determined to introduce a measure of their own, founded upon the Report of the Royal Commission, and this they have done, and, under my advice, they have contributed funds towards its being carried through Parliament, upon the principle that they were justified in spending a reasonable proportion of the income of the Charity money upon the scheme in accordance with the Royal Commission, which was to be for their future benefit and guidance. The proportion asked for is about 2,000/., out of an income of say 117,000/.. The question I wish to ask you is, whether you consider that the advice I gave was good, and if the amount asked for is reasonable, having reference to the largeness of the income?

Please do not write your opinion without saying a word to me about it. Mr. Pearce, the secretary to the churchwardens, and I, will see you some time on Monday.

A. Kekewich, Esq.

I am, &c.
(signed) Edwin Freshfield.

Annexed is printed the opinion of Mr. Arthur Kekewich, Q.C., upon the propriety of contributions out of the Charity Funds to meet these expenses.

OPINION of Mr. Kekewich.

FROM the statements made in conference, it appears that the question on which my opinion is asked is this—The churchwardens of the several City parishes, as trustees of the City parochial charities, accepting the Report of the Commission, and desiring to obtain legislative sanction to its recommendations, promote a Bill for that purpose, and oppose another Bill, which likewise deals with the same charities but departs in important particulars from the scheme of the Report. Are they justified in making contributions from the funds of their respective charities to the costs which have been and will be thus incurred? In my opinion this question ought to be answered in the affirmative. The Report of the Commission, which was issued after full investigation with the assistance of the trustees of the charities, recommends legislation according to its conclusions, and I cannot but think that it was right for the Trustees (especially in the absence of a Government Bill) to endeavour by the ordinary means to give effect to that recommendation. It would be too much to say that they were bound to take this course; but if, notwithstanding the Report, which condemns the existing state of things, they had simply continued to administer the charities as heretofore, they would have reasonably been blamed. The promotion of one Bill necessarily involves opposition to any other Bill on the same subject, and to my mind the second Bill is of itself a strong justification to the Trustees. If that Bill had alone been introduced, that is, if the Trustees had not promoted a Bill of their own, they could not, in my judgment, have wisely or properly stood by and allowed the sanction of a scheme inconsistent with the Commissioners' Report, and with what they themselves deem right; without any protest or attempt at amendment. I think, therefore,

0.79.

that

that the Trustees of the Charities have done right and will continue to do right in making contributions towards the expenses from their several trust funds rateably in proportion to the amount of such funds.

If an Act is passed it will contain a scheme regulating the administration of the charities for the future, and taking it out of the hands of the Trustees. It will therefore be important, and it is otherwise desirable, to procure the insertion in such Act of a clause authorising the payment of all costs connected with it out of the funds.

Such a clause is usually inserted in Railway and other like Bills, and will, I presume, pass without objection. If, on the other hand, no Act is passed in the present Session, and the question whether the payment of the costs ought to be allowed comes before the Court, or the Charity Commissioners, the allowance, I think, ought to be, and will be made.

4 April 1882.

Arthur Kekewich,
5, New-square, Lincoln's Inn.

Appendix, No. 4.

PAPER handed in by Mr. Longley, 5 May 1882.

LONDON PAROCHIAL CHARITIES BILL, 1882.

LIST of APPLICATIONS made to the CHARITY COMMISSIONERS by TRUSTEES of PAROCHIAL CHARITIES, for their Sanction to Subscriptions towards the Expenses of the BILL.

Date of Application.	Date of Reply.	Parish.	Applicant.	Proposed Amount.
28 Nov. 1881	3 Dec. 1881	St. Olave, Hart-street -	W. Heath, Vestry Clerk	£. s. d. 15 - -
9 Dec. "	17 " "	Allhallows, Barking -	W. B. Garrett, Clerk to Trustees.	—
20 " "	14 Jan. 1882	St. Bartholomew, Moorlane.	J. Boardman, Churchwarden.	21 - -
17 Feb. 1882	24 Feb. "	St. Michael, Queenhithe	F. Hill, Vestry Clerk -	10 - -

REPLY of the Secretary of the Charity Commissioners to the above Applications.

" Sir,

" I have laid before the Commissioners your letter of _____, and I am to state that they consider that the proposed expenditure therein suggested cannot properly receive their sanction.

" I am, &c.
(signed) " *Henry M. Vane*, Secretary."

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Appendix, No. 5.

MEMORANDUM laid before Committee by Mr. Bryce, M.P.

THE area of the City of London is 702 acres; its population was, in 1851, 131,127; in 1861, 114,039; in 1871, 76,236; in 1881, 50,578, and thus appears to be decreasing steadily and rapidly. Within this area there are 109 civil and 61 ecclesiastical parishes. In every one of these parishes there exist charities more or less closely connected with the parish church, or the parish as a whole. The property of these charities, consisting mainly of houses and land in the City and elsewhere, but to some extent also of Consols and other similar investments, is vested in trustees, sometimes in the incumbent and churchwardens, sometimes in private persons. In many instances the same persons are trustees of a number of different charities in the same parish; in other instances there are several sets of trustees in the same parish for its different charities. The total gross income of these parochial charities was, in 1865, 67,000 £.; in 1875-76, 105,000 £., and in 1879-80, 117,000 £. per annum, and therefore appears to be increasing steadily and rapidly, just as the population declines. It is now more than 2 £. 6 s. for each inhabitant. There can be little doubt that under more energetic management it might soon be raised to 200,000 £.

A large part, nearly one-half of this income, belongs to purposes which may be called ecclesiastical; of the other half a good deal is expended in doles or pensions; some in the apprenticing of boys; some in education, and a very large sum, estimated at 10,000 £. a year, in the payment of poor-rate, an application which is really for the benefit, not of the poor, but of the rich.

As the income arises from a great number of small charities, each of which is managed by its own trustees, the expenses of management naturally bear a large proportion to the whole income; probably not far from 10 per cent. of the total gross income goes in paying salaries, legal expenses, costs of feasts and refreshments, and other similar charges incidental to the administration of charity property.

The objects to which the charity property was directed by the founders to be applied have, in many cases, failed altogether. In other cases they have become of doubtful utility; in others the funds have so increased as to be out of all proportion to the trifling purposes for which they continue to be employed. In a great many instances they are spent in a way which experience has shown to be positively harmful,—the bestowal, usually at the church, of doles of bread, coals, or clothing, a form of distribution which encourages pauperism and mendicancy. The expenditure on the poor-rate is, of course, unjustifiable, and has been condemned by the Charity Commissioners.

Some light is thrown on the effect which the charities have had upon the welfare of the poor by the Poor Law returns, which show that while in the metropolis generally the proportion of persons receiving out-door relief to the whole population is 1 in 37, in the City it is 1 in 16; and that while the average expenditure on out-door relief is, in the metropolis, 1 s. 2½ d. per head, in the City it is 4 s. 4½ d.

The problems presented by the present condition of these charities, and which Legislation has to solve, are the following:—

(1.) The setting free, and application to useful purposes, of funds which are now applicable to useless and harmful purposes, or to purposes which have failed.

(2.) The distinction between ecclesiastical and non-ecclesiastical endowments, and the appropriation of funds stamped with an ecclesiastical character to beneficial ecclesiastical purposes, and of non-ecclesiastical funds to such general charitable purposes as will be substantially helpful to the humbler classes of the population, by aiding them in such a way as not to weaken their self-respect, and by assisting to provide them with means of intellectual and moral improvement and social recreation, such as neither the State nor private liberality has sufficiently supplied.

(3.) The removal of the local restrictions which confine the benefit of the charitable funds, ecclesiastical and non-ecclesiastical, to the small and often almost depopulated area of the City parishes, and the giving of authority to apply them, so far as no longer locally beneficial, over the Metropolis generally.

(4.) The retrenchment of those expenses of management of the charity property which are due to the existence of a very large number of bodies of trustees, each of which pays separately for legal and other charges of administration.

(5.) The creation in place of the very large number of now existing boards of trustees of one new governing body, in which both the City and the whole Metropolis may be fairly represented, and by which the revenues of the charities may be applied first to such existing objects in the City as are still substantially beneficial, and then for the benefit of the humbler classes in the Metropolis generally.

With a view to the attainment of these objects, a Bill was brought into the House of Commons last Session, entitled the City of London Parochial Charities Bill, and founded on the Report of the Royal Commission laid before Parliament in 1880. This Bill was debated on Wednesday, June 1880, and received the support both of the Home Secretary, speaking on behalf of the Government, and of several Members of the Opposition, including two who had sat on the Royal Commission. It was, however, talked out, and being blocked was never reached again last Session. It has been brought in again this Session, with a few alterations in details, was read a second time on Monday, 20th February, and was referred to this Committee. It is hereinafter referred to as "the Public Bill."

Basing itself on the facts collected and stated by the Royal Commission, which was presided over by the Duke of Northumberland, this Public Bill follows in the main the recommendations of that Commission. There are, however, some few divergences, arising not so much from any difference of opinion as to matters of fact, as from a somewhat different view of questions of policy. The chief of these are the following:—

(a.) The Royal Commissioners omit to recommend that the real and personal property of the charities should be vested in the Official Trustee of Charity Lands, and the Official Trustees of Charitable Funds, appointed under the Charitable Trusts Acts, 1853-1869. As, however, it has been the policy of recent legislation to provide for such vesting, and as it is the regular practice of the Charity Commission to insert a provision for the purpose in the schemes they now frame, the Public Bill embodies such a provision, which does not disturb the ordinary management of charity property by its trustees, while at the same time it effects important savings in time, trouble, and expense.

(b.) Regarding the principles on which ecclesiastical is to be distinguished from non-ecclesiastical charity property, there existed some difference of opinion among the Royal Commissioners. The Public Bill adopts the view taken by the minority of three, and embodied in Mr. Herschell's memorandum, instead of the view taken by the majority of four, and stated in the body of the Report.

(c.) The Royal Commissioners suggest that the Executive Commission, whose appointment they recommend, should determine in what cases charity property should be left to the existing trustees thereof for distribution, and in what cases it should pass over to the new Board, whose creation they recommend, and express an opinion that where the entire income of a trust is to be administered by the Board, the estate or capital fund should pass to the Board, and that where it is to continue in the present hands for administration, the trustees should have an option whether they would transfer it or not. In other words, the Commissioners seem to hold that where the present application of charity revenues needs to be entirely changed, the corpus of the property should be taken away from the existing trustees, and this of course would chiefly happen in parishes very scantily peopled, because in those parishes the funds would be most frequently applicable to purposes which have either failed, or become of scarcely any practical utility. The Public Bill adopts in substance this principle, while carrying it out somewhat more fully. It distinguishes between the five more populous parishes, where there is reason to think that the charity funds can be properly and fittingly spent on local charitable purposes, and the other parishes. In these five parishes it proposes to continue the existing bodies of trustees (subject to certain powers for union of bodies of trustees, &c.), so as to leave the management and distribution of the funds in local hands. In the case of the other less populous parishes, all of which have less than 3,000, and some less than 100 inhabitants, it proposes to supersede the existing bodies of trustees by a new Governing Body, conceiving that in these parishes comparatively little of the revenues can be advantageously expended locally, so few would be the beneficiaries. The Public Bill is, therefore, practically in agreement with the recommendation of the Commissioners, both as to the largest and as to the smallest of the parishes, though there would be parishes intermediate in population, which under the plan of the Commissioners might retain, but under the Bill would not retain their separate bodies of trustees. It must be remembered, however, that the Commissioners had before them the census returns of 1871, when the population of the City was one-third larger than it is now, and that the grounds for substituting one body of trustees for many bodies would not appear so strong upon those returns as they do on the returns of 1881. Moreover the number of residents in the City who belong to the class from which trustees are taken, continues to diminish very rapidly.

(d.) The Royal Commissioners suggest a Board composed differently from the new Governing Body suggested by the Public Bill. The difficulty of determining on any perfectly satisfactory constitution for such a body is obvious. That mentioned in the Public Bill has been framed with a view to give fair and adequate representation both to the City and to the Metropolis. The City has five members, four are to be chosen by bodies representing the ratepayers of the whole Metropolis, while five are left to be nominated by Her Majesty, and three to be coöpted by the others.

(e.) The Royal Commissioners propose to entrust to their new Board the duty of framing schemes, and to subject these schemes to the veto of the Charity Commissioners.

sioners. Two, however, of the Commissioners dissented from this recommendation, and strong reasons may be advanced for thinking that it is better that the schemes should be prepared rather by the Executive Commission than by the Board.

Another Bill has also been brought in this year, as a Private Bill, promoted by the trustees and vestry clerks of some of the parochial charities in some of the City parishes. It was read a second time on Tuesday, 21st February, and also referred to this Committee. It is hereinafter referred to as "the Private Bill."

The Private Bill adopts many of the provisions of the Public Bill of last Session; but in several points of importance it departs from the Public Bill as it stood last year and as it stands this year. The chief of these points of difference are the following:—

(1.) The Public Bill sets forth in its Preamble the Report of the Duke of Northumberland's Commission of 1878–80.

The Private Bill omits all mention of the Duke of Northumberland's Commission.

(2.) The Public Bill empowers Her Majesty to appoint Commissioners, not exceeding three in number (Clause 2 of Public Bill).

The Private Bill directs the appointment of five Commissioners, giving the appointment of two only to Her Majesty, proposing to name two others in the Bill, and giving the appointment of the fifth to the Corporation of the City of London (Clause 2 of Private Bill).

(3.) The Public Bill provides that no person shall be deemed to have a vested interest within its meaning if the office he holds or emolument he receives is tenable or receivable at the pleasure of another person, but directs the Commissioners to consider and empowers them to declare whether persons not strictly entitled to a vested interest may not be morally and equitably entitled to continue to receive any emolument they now receive (Clause 7 of Public Bill).

The Private Bill omits any definition of vested interest, but provides that no vested interest shall be saved for a longer time than the life of the person interested at the date of a scheme. It adopts the provision of the Public Bill regarding persons equitably entitled (Clause 7 of Private Bill).

(4.) The Public Bill directs the Commissioners to provide in schemes prescribing the future application and management of the charity property, for the vesting in the official trustee and trustees appointed under the Charitable Trusts Acts, 1853 to 1869, of real and personal property belonging to the charities upon trust to hold the same as in those Acts provided, subject to all existing liabilities and incumbrances (Clause 13 of Public Bill).

The Private Bill has no such provision, but directs annual public audit of accounts (Clause 12 of Private Bill). Under the scheme of the Public Bill a provision as to accounts is not necessary.

(5.) The Public Bill distinguishes between the more populous parishes (five in number) of the City mentioned in the First Schedule, and the less populous parishes, mentioned in the Second Schedule, directing that in the case of these five populous parishes the charitable funds shall continue to be applied to ecclesiastical or charitable purposes (as the case may be) within the parish or so as to be beneficial to its inhabitants (Clause 14 of Public Bill), and providing that in these five parishes the existing bodies of trustees may either continue to exist as at present, or be united into one new body for each parish (Clause 16).

The Private Bill draws no distinction between the more populous and less populous parishes, treating both alike, though, as will be seen presently, in a manner different from that of the Public Bill.

(6.) The Public Bill provides for the application of the ecclesiastical charity property for the less populous parishes to such of the present ecclesiastical purposes as are still beneficial, and subject thereto, for the payment to the Ecclesiastical Commissioners of the surplus income of such property, to be by them applied to ecclesiastical or religious purposes in the more populous districts of the Metropolis (Clause 15 (a.) of Public Bill).

The Private Bill directs "so much of the income of the ecclesiastical property to be applied to such of the present ecclesiastical purposes as may be fitting and proper for the due fulfilment thereof;" and, subject thereto, provides for the payment to a new Governing Body (thereinafter constituted) of the surplus income, to be applied by that new body to the purposes of schemes to be formed by the Ecclesiastical Commissioners for the application of such income in the more populous districts of the Metropolis (Clause 12 A. (bis) of Private Bill).

(7.) The Public Bill directs the administration and management of the general charity property of the more populous parishes to be transferred to and exercised by a new Governing Body (hereinafter constituted) (Clause 15 (b.) of Public Bill).

(8.) The Public Bill directs the application of the general charity property to such of the existing objects or purposes "as the Commissioners may think proper and legal, and substantially beneficial to the inhabitants of the parish in which the same is now applicable, or to any class thereof;" and, subject thereto, to certain other purposes within the Metropolis (to be presently mentioned) (Clause 15 (c.) of Public Bill).

(9.) The Public Bill names, among the objects or purposes to which the general charity property may be applied over the Metropolis, "the establishment and maintenance of libraries, museums, or art collections, under such provisions as may make them useful to the poorer inhabitants," and "the establishment and maintenance of convalescent hospitals" (Clause 15 (c.) of Public Bill).

(10.) The Public Bill does not contain any such provision.

(11.) The Public Bill exempts from the Act (unless with the consent of the trustees) endowments given to charitable uses less than 50 years ago (Clause 19 of Public Bill).

(12.) The Public Bill gives, in the case of charities whose annual gross income exceeds 100*l.*, an appeal to Her Majesty in Council, and provides in certain cases for the submission of the scheme to Parliament (following the corresponding sections of the Endowed Schools Acts) (Clauses 21-30 of Public Bill).

The Public Bill also directs schemes to be revised by the Committee of Council on Education (Clauses 23, 24, 26); the Private Bill has no similar provision. There are other minor differences as regards the procedure for passing schemes and the right of appeal.

The Private Bill leaves both the legal estate in, and the administration and management of, all the charity property, ecclesiastical and general, in the numerous existing bodies of trustees, providing only for the payment over by them of surplus income to a new Governing Body, and permitting the union of existing bodies of trustees, or the creation of new bodies, or the transfer of charity property to the new Governing Body, but always subject to the consent of the existing trustees (Clauses 14 and 26 of Private Bill).

The Private Bills directs "the application of so much of the general charity property to such of the present purposes as may be fitting and proper for the due fulfilment thereof;" and, subject thereto, directs payment of surplus income to the new Governing Body, to be applied by them to certain objects over the Metropolis (Clause 12 B. (bis) of Private Bill).

The Private Bill omits libraries, museums, and art collections, but inserts among the objects mentioned, "the providing pensions for reduced professional men, merchants, tradesmen, &c., their wives or widows, under suitable restrictions," and "the promotion and extension of hospitals and dispensaries" (Clause 12 B. (bis), (1.) and (2.) of Private Bill).

The Private Bill directs that in any scheme for the charity property of a parish preferential advantages shall be secured to resident inhabitants of the parish, and, in the next place, to resident inhabitants of the City (Clause 12 of Private Bill).

The Private Bill adds to the exemption of recent foundations while the Public Bill contains an exemption of endowments regulated by schemes made less than 50 years ago (Clause 16 of Private Bill). This is an important difference, as between one-sixth and one-fifth of the total present income of the City Parochial Charities is governed by these more recent schemes, which part of the income would therefore be withdrawn from the operation of the Act, unless the trustees should choose to place themselves under it.

The Private Bill gives, in the case of all charities, however small, a right of appeal to the High Court of Justice (and thence to the Court of Appeal also) as well as to Her Majesty in Council, and does not provide for the submission of a scheme to Parliament in any case (Clauses 18-22 of Private Bill).

The Private Bill does not provide for revision by the Committee of Council.

(13.) The

(13.) The Public Bill constitutes its new Governing Body out of the following: Five persons nominated by Her Majesty, three by the Corporation of the City of London, two by the London School Board, two by the Metropolitan Asylums Board (as representing the poor-law guardians of the metropolis), one by Sion College, one by the Churchwardens of the City parishes, and three co-opted by the preceding persons.

The Private Bill constitutes its new Governing Body as follows: 29 persons elected by the electors of Common Councilmen for the City out of the existing Trustees of the City Parochial Charities; six persons to be nominated by the Corporation, 15 by Her Majesty (Clause 42 of Public Act; Clause 33 of Private Bill).

(14.) The Public Bill contains no such provision, there being no expenses incurred or to be incurred in preparing and passing it, except such trifling expenses as have been discharged by those who have prepared and brought it in.

The Private Bill provides that the expenses of preparing and passing it shall be paid by the New Governing Body out of the charitable funds in their hands (Clause 33 of Private Bill).

(15.) Both Bills direct regulations for the conduct of business, &c., by the New Governing Body, to be made by Commissioners. The Private Bill adds that these regulations are to be confirmed by the Committee of Council on Education.

Of these points of divergence the most important are Nos. (2), (6), (7), (8), (11), (13), (14). Stated broadly and simply, the chief differences are these: The Public Bill vests the legal estate in the charity property in the official trustee, following the tendency of recent legislation, and the regular practice of the Charity Commissioners; and it supercedes the very numerous bodies of trustees in the less populous parishes (exceeding 150 in number), by creating instead of them one new governing body. It does this for the sake of saving the enormous expenditure on mere management which now necessarily arises from the existence of so many distinct sets of trustees, each with its clerk, its expenses incident to meetings, its law charges, and so forth. The Private Bill retains both the legal estate and the management and control of the property in the hands of the existing bodies of trustees, apparently in the belief that the trustees desire to retain it, and that their continuance is of some public utility, merely directing them to pay over the surplus to a new body.

The Public Bill directs the charity revenues, in the less populous parishes, to be applied to the existing purposes so far, and so far only, as they are substantially useful to the few residents in these all but depopulated districts, and distributes the surplus, which of course would be by far the larger part of the total income, over the Metropolis generally, where it is so greatly needed. The Private Bill directs the application of so much income as is "fitting and proper" to the "due fulfilment" of the existing purposes, and apparently therefore contemplates (for the terms are susceptible of more than one meaning) that the existing purposes shall first be fully provided for, whether they be now beneficial or not. This would naturally imply the devotion of a larger sum to them, and leave a smaller surplus for the Metropolis.

The Public Bill proposes to deal with the Parochial Charities as a whole, and proceeds on the belief that many of the schemes made for their application during the last fifty years require to be reconsidered, either because circumstances have changed, by the decrease of population within the City, or by the great increase of the charity revenues, or because these schemes, having been framed with a view to one charity, or group of charities, alone, do not necessarily provide the best application for the funds, now that other charities are being dealt with, whose funds, combined with those of the scheme-governed charity, might be made to do far more good. The Public Bill, therefore, brings these more recent schemes within the scope of the Commission. The Private Bill excludes them, unless the trustees choose voluntarily to invoke the Commission; and, it may thus leave a very considerable part of the present charity property outside the action of the Commission.

Finally, the Public Bill forms a new Governing Body of moderate size, seventeen persons; and it gives a substantial representation to the Metropolis at large, considering that the Metropolis has a population of four millions and the City of 50,000, while providing for the special interests of the City by the three members, whose nomination is given to the Corporation, the one member to be nominated by Sion College, and the one member by the churchwardens of the City parishes. The Private Bill creates a much larger Governing Body (50 persons), and gives a great preponderance to the City, which is represented by 35 members, 15 being left to be nominated by the Crown.

What has been above stated is matter, not of opinion, but of fact. It is common ground, which has been (it is hoped) treated with proper impartiality. A few reasons may now be submitted, tending to show that the principles on which the Public Bill proceeds are sounder principles than those of the Private Bill, more conformable to the law and practice of the courts, better calculated to promote the welfare of the Metropolis by a judicious application of these charitable funds.

The Private Bill appears to be based upon two assumptions. The first is that trustees have a kind of proprietary right in the property which they hold as trustees, that this right is in the nature of a vested interest which ought to be saved, and that it entitles them to retain and to manage charity property, even when it can be shown that their doing so involves a great waste of money and an administration which is less efficient than it might be, because isolated and unconnected with that of other charities in the same or a neighbouring area. This assumption the Public Bill altogether denies. It holds that a trustee is a *quasi* public official, who fills his office not for his own benefit or satisfaction, but for the good of the trust; and that just as the Court of Chancery would never permit him to gain any pecuniary advantage from the trust, so he must be willing to be superseded if it can be shown that the objects of the trust will be better attained thereby. If it should appear that ten, or even five, per cent. of the charitable revenues of the City would be saved, and those increased revenues far more efficiently employed by substituting one body of trustees for, say, 100 bodies, then according to the view of the Public Bill, the 100 bodies must not claim to be continued merely because some among them desire it. It is not the pleasure or dignity of the wealthy trustee that is to be considered where a charity is in question, but the benefit of the poor for whom the charity was designed by the founder. He did not think of the trustees; he thought of the poor; he regarded the trustee as the Court regards him, merely as a means to an end. To put it shortly, the trustee exists for the sake of the trust, not the trust for the sake of the trustee.

The second assumption of the Private Bill is, that the City parishes are still what they were in the Middle Ages, thickly peopled little areas, living communities, where rich and poor dwelt side by side, associated by the bond of a common worship in the common church. A charity for the benefit of the parish had in those days a meaning and a reality. The poor law did not exist (till the end of the sixteenth century); apprenticeship was the natural way of giving a boy a chance in life; captives were languishing in Barbary; there was a population which could listen to lectures in the parish church, or send its children to a parish school. The Private Bill seems to conceive this as the state of a modern City parish, and therefore directs the charity funds to be applied to the "due fulfilment," so far as "fitting and proper," of these ancient purposes. And even in admitting that the surplus funds ought to be applied over the metropolis, it so ignores the relative insignificance of these parishes with their 50,000 residents, as to propose that they shall have seven-tenths of the members of the new Governing Body, although, according to its plan, this Body is not to administer the charities in the City, but only through the rest of the Metropolis. And twenty-nine of these Members, more than a half of the whole, are, according to the Private Bill, to be taken from the trustees of the parishes. The Public Bill, on the other hand, recognises the patent fact, that these parishes, with their population, sometimes reckoned by tens only, are no longer realities, but phantoms, mere shadows of their former selves, and that the representatives and successors of the busy crowd that filled them three centuries ago are to be sought, not in the caretakers who sleep at the top of a huge pile of offices, or the two or three pauper families to be found here and there in some corner, tempted to it, perhaps, by the doles which the parish charities provide, but in the vast labouring population all round the ancient City, which works for it, which is the substratum, so to speak, of the wealthy and luxurious classes who own its property and conduct its commerce. It also recognises that some of the objects to which the charity funds have been applied in these parishes have now so utterly failed there, while others have been so clearly proved by experience to be mischievous, that there is no longer any use in attempting to carry them out, and that it is better to discover modes of application which will be truly serviceable to the poor. In other words, the Public Bill conceives that if the main intention of the founders of these charities was to do good to the people of London, and especially to the poorer among them, a system under which the money goes to a mere handful of these people, and does at least as much harm as good to that handful, cannot be regarded as a fulfilment of the founder's wishes. If it clings to the letter, it neglects or perverts the spirit of his directions. The true way to give effect to his purpose is to seek out means of applying his gifts, which will again reach the large population that really needs them, and will confer on them moral and social, as well as material benefits. This can only be done by following them out of the City into other parts of the Metropolis, and by abandoning obsolete apprenticeships and pauperising doles, while trying to bring pure and elevating pleasures within the reach of the poor; to give their children better opportunities for rising in the world; to encourage them in habits of thrift; to carry the influences and the ministers of religion into spots where ecclesiastical endowments and private liberality have failed to sufficiently supply them. The Public Bill, therefore, while directing the Commissioners to provide for all such of the existing objects in the City parishes as are still really beneficial, contemplates the application of by far the larger part of the funds to the needs, ecclesiastical and charitable, of the Metropolis generally. And while the terms of the

Private

Private Bill are so vague as to raise doubt and invite litigation, the instructions which the Public Bill gives to the Commissioners are clear and explicit, because based on an intelligible principle.

In conclusion, it must be pointed out that the matter is one to be dealt with rather by a Public than by a Private Bill, and that for two reasons: Firstly, the preparing and passing of the former imposes no pecuniary charge on the charitable funds, such as the latter proposes to throw upon them. It is hard to discover any reason why the Private Bill should have been brought in at all. Notice was given at the end of last Session, and again in November last, by advertisement, that a Public Bill would be introduced dealing with the subject; and all that the Promoters of the Private Bill seek to effect could have been effected equally well either by their proposing Amendments in the Public Bill, or by their bringing in a Public Bill of their own. Secondly, the things which both Bills propose to do are things which have always been done and ought to be done, it may almost be said, can only be done, by a Public Bill. The appointment of Commissioners with such large powers as both Bills give them, the powers of the High Court of Justice, the dealing with vast and increasing public revenues, the establishment of a new and important public body for the whole Metropolis, the suspension for a period of some years of the action of the High Court of Justice and the Charity Commission, these are matters totally beyond the scope of Private Bill legislation. To deal with them by a Private Bill would be to violate long-established usage, and to set a dangerous precedent for the future.

I N D E X.

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I N D E X.

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Further approval of the benefits from the charities being extended throughout the whole of the metropolis, preference being given to those employed in the City, *Pearce* 225, 226—Grounds upon which it is proposed that City parishes other than any parish from which a fund comes, should have a preference over outside parishes in the application of the surplus of such fund, *ib.* 575–601—Limited sense in which the parish of St. Botolph, Aldgate, has a preferential claim to St. Jude's, Whitechapel, as regards any surplus fund from St. Mildred's, Bread-street, *ib.* 582–601.

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Evidence as to witness' grounds for advocating that City parishes generally should have a preferential claim over the rest of the metropolis, in respect of any surplus income

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of the City parishes, *Freshfield* 1207-1235—Approval of some provision being introduced into the City Bill, to meet the case of persons working in the City by day but not resident in it, *ib.* 1256-1258—Opinion further expressed that those who work in the City should have a preference to participation in the surplus after those who are resident, *ib.* 1402-1404.

Evidence with further reference to the extent to which those employed in the City but not resident therein, should participate in the funds or in the surplus available, *Freshfield* 1603-1616—Acceptance by witness of the recommendation of the Royal Commission that part of the funds should be applied outside the City; preference is not given by the Bill to those working in the City, though personally witness would approve such preference, *ib.* 1655, 1656. 1713-1725.

Conclusion that a large portion of the funds would under the Private Bill go outside the City, though witness submits that the City has a prior claim as compared with the rest of the metropolis, *Freshfield* 1661-1679.

Strong advocacy of the retention in Clause 5 of the Private Bill of the words "such as have been for a long period of years applied to such purposes," *Phillips* 1865, 1866—Expediency of preference being given to those applicants who are inside the City as compared with those outside, *ib.* 1905-1909—Reference to the disposal of the surplus charity funds in aid of hospitals and provident institutions, some of which are outside the City, *ib.* 1922-1929.

Exception taken to the preference proposed to be given under Section 12 of the Private Bill to inhabitants of the City, *Longley* 2768.

Opinion that the wants of the City poor should be satisfied before any application of the charities outside the City, *Fleming* 3069-3082. 3116.

Preference for the Public Bill over the Private Bill on the ground that under the latter there are many loopholes for escape as regards the utilisation of the charities and their diffusion over as wide an area as possible, *Milman* 2973-2976.

Conclusions submitted by Mr. Bryce in favour of the appropriation of the funds over an extended area, instead of being limited to City parishes, *App.* 258, 259.

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Attorney General v. Webster. Attention of witness called to the case of the Attorney General v. Webster, in which it was decided by the Master of the Rolls that there could not be a valid trust for the benefit of the parishioners without its being charitable; dissent from this view, *Freshfield* 1460-1480.

Audit of Accounts. Provision in Section D of Clause 12 of the City Bill as to annual public audit, this being recommended by the Royal Commission, *Pearce* 44.

B.

Baggallay, John. (Analysis of his Evidence.)—Witness is a merchant in the parish of St. Mary, Aldermanbury, and has been for several years one of the trustees of the estates of the parish, 746-754—He has been churchwarden of the parish, and has taken a great interest in the management of the estates and the application of the charity funds, 755-759.

Income of 40*l.* or 50*l.* derived from a charity poor fund in St. Mary's, Aldermanbury, whilst the parish possess also some non-charitable property, comprising houses in Aldermanbury and Love-lane; producing from 1,200*l.* to 1,300*l.* a year, 760, 761. 850-859—Expenditure of the income from the parish property in supporting the church, paying the incumbent, the overseers (in diminution of the rates), the vestry clerk, &c., 762-769. 773. 798-800. 812-821. 880.

Very small number of houses and small population in the parish; tendency to a diminution of the sleeping population, though the day population has increased, 770-772. 802-806. 829-835—Exceedingly economical administration of the funds of the parish; average of about 20*l.* a year for management expenses during four years when witness was churchwarden from 1860 to 1864; 773-775. 837-842.

Active part taken by witness, as a trustee, in the promotion of the Private or City Bill; invitation sent to each parish to be represented by a trustee, the scheme for the Bill having been prepared by an executive committee of the trustees, 776, 777—Preference for the Private as compared with the Public Bill, witness submitting that the latter will not work well and will be injurious to the interests of the charities, 778, 779. 822-825.

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charity, and were originally purchased for the benefit of the parishioners at large, 781-797. 860-866—Average attendance of ten or twelve members of the vestry when the expenditure of the income is under consideration, 807-811. 928-930—Possible effect of the City Bill that the income would no longer be so largely available for the support of the church and of the incumbent; witness believes, however, that under either Bill the parish can establish its claim to the property, and its right to deal with it as the vestry may determine, 815-819. 881 *et seq.*

Advantage under the City Bill in so far as the local trustees are to retain the management of the property, 822-824—Approval of the new representative body under the Private Bill rather than of that under the Public Bill, 825.

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Information as to Benn's Gift and other small properties which make up 30*l.* a year or so, applicable for the poor of the parish, 867-879—Very few objects for charity in the parish, there being only about six poor, 892-894. 939.

Preference for the Trustees' Bill as compared with the Public Bill, not only as regards the future management of the property, but as giving to City parishes generally a claim to the surplus income before outside parishes can be benefited, 931-939—Claim to the application of the income from the parish property to the relief of the poor, or in reduction of the rates, as by payment to the overseers, 940-947.

Willingness of witness to relinquish his position as trustee if it can be shown that the objects of the trust would be benefited under a different administration, 948-950—Objection to the large area and the numerous purposes comprised in the Public Bill as regards the application of the charity funds, 951-953.

Benn's Gift (St. Mary, Aldermanbury). See *St. Mary, Aldermanbury.*

Border Parishes (Joint Parochial Charities). Necessity for the provision in Sub-section B of Clause 2 of the City Bill for saving the rights of any parish, part of which is situate without the boundary of the City; several instances of such parishes, such as St. Luke's, Middlesex, St. Andrew, Holborn, &c., *Pearce* 36-43.

Brodrick, Mr. Grounds upon which witness put down the name of Mr. Brodrick in the circular of 5th January as representing his parish; the name was subsequently struck out, *Pearce* 484-493.

Bryce, Mr. (Member of the Committee). Memorandum submitted to the Committee by Mr. Bryce containing explanations in detail relative to the City charities, the varying proposals on the subject in the Public Bill and in the Private Bill, and setting forth numerous reasons for preferring the former to the latter, *App.* 253-259.

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Camden Trustees. Importance of the decision of the court in the case of the Camden Trustees as regards the administration of charity funds, *Sir S. Fitzgerald* 2554-2556; *Longley* 2751, 2752.

Charitable Bequests. Inexpediency of persons being allowed to devote money for an indefinite period of years to a particular object; suggestion that charitable bequests be subject to Parliamentary revision after a period of years, *Pell* 2209-2212. 2305-2317.

CHARITY COMMISSIONERS:

1. *Views of Promoters of the Private Bill as to the Action of the Charity Commissioners in connection with City Charities.*
2. *Explanations on the part of the Commissioners upon the Question of their inquiring into and completing Schemes for the City Charities, as well as upon the Question of subsequent Supervision.*
3. *Increase of Staff necessary, and increase of Cost if the Work in Question be entrusted to the Charity Commission.*
4. *Generally as to the Powers of the Commissioners.*
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1. *Views of Promoters of the Private Bill as to the Action of the Charity Commissioners in connection with City Charities :*

Proposal in the City Bill, but not in the Public Bill, for the eventual transfer to the Charity Commission of the powers of the temporary Commission, *Pearce* 31—Recommendation in the City Bill, but not in the Public Bill, that one of the Charity Commissioners shall be one of the new Commissioners; proposal also by the Royal Commission that one of the staff of the former Commission shall be a Commissioner, *ib.* 222, 223. 231-234.

Personal opinion of witness that it would not be any great misfortune if the whole of the charities were divided among the present recipients, and if the Charity Commissioners found their occupation gone, *Pearce* 259-263—Great facilities afforded to witness by the Commissioners in reference to the promotion of schemes for dealing with the City charities; extent and character of his communication with the Commissioners as regards the Bill promoted by the trustees, *ib.* 268-287.

Action of witness, as a promoter of the Private Bill, without any reference to the Twenty-fourth Report of the Charity Commissioners, *Freshfield* 1296-1298—Circumstance of schemes not having been recently sanctioned by the Commissioners for City Charities, *ib.* 1304-1306—Dissent from the view of the Commissioners that the altered circumstances of the locality justify the re-appropriation of the whole of the funds to new charitable uses, *ib.* 1602.

Decided objection to the management being vested entirely in the Charity Commissioners; great delay and expense in such case before the charities generally are dealt with in a complete and beneficial manner, *Phillips* 2130-2132.

2. *Explanations on the part of the Commissioners upon the Question of their inquiring into and completing Schemes for the City Charities, as well as upon the Question of subsequent Supervision :*

Evidence to the effect that the Charity Commission are perfectly competent, with some increase of staff, to deal with the City charities, and to make inquiries and frame schemes, *Sir S. Fitzgerald* 2438-2453. 2475-2477. 2509, 2510. 2521—Great number of charities now under the Commissioners and very large income represented; the addition of the City charities when the schemes are completed would not involve any permanent increase of staff, *ib.* 2453-2456. 2475-2484.

Greater efficiency and economy by using the machinery of the Charity Commission as regards the City charities, than by means of a new Commission as proposed by the Bills before the Committee, *Sir S. Fitzgerald* 2520—Saving of much time by entrusting the work of inquiry to the Charity Commissioners instead of by appointing a new Commission, *ib.* 2533-2535—Very satisfactory results from the fusion of the Endowed Schools Commission with the Charity Commission, *ib.* 2536-2539. 2549, 2550.

Opinion expressed by the Master of the Rolls and Lord Justice James as to the great value of the experience gained by the Charity Commission in the administration of charities, *Sir S. Fitzgerald* 2540-2545—Serious interference with the business of the Charity Commission if constantly applied to for copies of documents, &c., wanted by a kindred Commission, *ib.* 2548—There is no proposition whatever for handing over the funds to the charge of the Commissioners, *ib.* 2587, 2588.

Conclusion further expressed in favour of the Charity Commission being strengthened, so as to make full inquiry and frame schemes, rather than of the appointment of an independent Commission, *Sir S. Fitzgerald* 2644-2658.

Experience of witness as one of the Charity Commissioners since 1874; he concurs generally in the evidence given by Sir Seymour Fitzgerald, *Longley* 2693-2695—Facility in the eventual conduct of the business after the schemes have been framed, the chief work being in connection with the preliminary inquiries, *ib.* 2735-2743—Less time necessary for inquiry, &c., by entrusting the work to the Charity Commission, reinforced, than by appointing a separate commission, *ib.* 2821-2823.

3. *Increase of Staff necessary, and increase of Cost if the Work in Question be entrusted to the Charity Commission :*

Competency of the Charity Commission to inquire into and complete schemes for the City charities generally in a period of from three to five years, if the Commission be temporarily strengthened by two additional Commissioners, and by three or four inspectors as Assistant Commissioners, *Sir S. Fitzgerald* 2438-2453. 2475-2477. 2509, 2510. 2521—Opinion that the necessary increase of staff for the completion of the work in three years or so would be less than the staff proposed either by the Public Bill or the Private Bill; necessity under either Bill of making inquiries through inspectors or similar officials, *ib.* 2442-2446—Whilst the preliminary inquiries were being made only one extra Commissioner would be required, another being wanted when the new schemes were being framed, *ib.* 2443. 2510. 2521.

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3. *Increase of Staff necessary, and increase of Cost, &c.*—continued.

Facility of the Charity Commissioners, with some extension of their powers, for dealing with the City charities; very competent and experienced staff of Assistant Commissioners or inspectors available for the work, *Sir S. Fitzgerald* 2574-2576. 2601-2610 —Necessity of provision being made for defraying out of the charities the expenses of the Charity Commission in respect of increased staff, *ib.* 2603-2613.

Entire efficiency of the inspectors of the Commission for conducting a preliminary inquiry into the City charities; small increase of staff necessary, *Longley* 2726-2730 —Want of an additional Commissioner in the first instance, till the schemes have been framed, *ib.* 2744.

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4. *Generally as to the Powers of the Commissioners:*

The Charity Commissioners have no power of initiating proceedings in respect of charities in London or elsewhere, or of uniting charities in different localities, save a scheme has been applied for by the trustees, *Sir S. Fitzgerald* 2434-2437. 2465-2468 —Extension of jurisdiction required by the Commissioners in order to deal comprehensively with the City charities, *ib.* 2485 —Absence of any such power in the Commissioners in respect of dealing with the surplus as is proposed to be given by the private Bill, *ib.* 2492-2496.

Power of the Charity Commissioners in the event of illegal or improper application of charities to certify a case to the Attorney General upon which to take action; the Commissioners have no direct power of control over the expenditure, *Sir S. Fitzgerald* 2577-2584. 2589-2591 —Considerable power proposed to be given as regards expenditure by a Bill which passed through the House of Lords in 1881, but which there was not time to bring before the House of Commons, *ib.* 2584 —Sufficiency of a transfer to the Charity Commissioners of the powers proposed to be given by the present Bills to the new Commissioners suggested therein, *ib.* 2642, 2643.

Want of increased powers in the Charity Commissioners if entrusted with the work proposed by the present Bills to be thrown in the temporary Commission; necessity more especially of a power to initiate inquiry, *Longley* 2725, 2726. 2731-2734. 2772 —Circumstance of Parliament having hitherto declined to give the Charity Commissioners a power of initiating inquiry into charities generally; expediency of such power, *ib.* 2830-2833 —Reference to some former Bills proposing to transfer powers from the Court of Chancery to the Charity Commissioners, these Bills not having become law, *ib.* 2834-2838.

Expediency of full power in the Commissioners as to the appointment of trustees of the charities; explanation hereon as to the present powers and practice of the Commissioners as regards the appointment of trustees, *Longley* 2864-2875.

5. *Conclusion of the Committee in favour of utilising the Commission for the Purposes of the Parochial Charities (London) Bill:*

Motion made in the Committee, and carried by a majority of eight to four, that the Charity Commissioners be the executive body for the purposes of the Parochial Charities (London) Bill, *Rep.* xi.

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Christ's Hospital. Petition presented on the part of the Governors of Christ's Hospital against each of the Bills before the Committee, *Rep.* iv, v.

Statement upon the question of the Public Bill affecting the charities of Christ's Hospital, *Sir S. Fitzgerald* 2624-2630 —Opinion that any sums paid over by the Governors for charitable purposes to the trustees of parochial charities would come under the Public Bill, *ib.* 2626.

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Church Sites. Unsatisfactory manner in which some of the funds derived from the sale of sites of the City churches have been applied to church purposes elsewhere, *Freshfield* 1626-1629.

Churches (Maintenance, Divine Service, &c.). Provision in the City Bill, in accordance with the Report of the Royal Commissioners, that ecclesiastical charity property shall include

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include money for maintenance and repair of the fittings or ornaments of ecclesiastical buildings, or the maintenance of Divine service therein, *Pearce* 31, 32—Grounds for a statement by witness as to the probable disuse of some of the parish churches under the action of the proposed temporary Commission, *Freshfield* 1352-1355—Importance attached to the maintenance of the parochial system, and of separate churches, though the attendance in some of the City churches on Sunday may not be more than twenty, if so much, *Phillips* 1836-1842. 1955-1967.

Grounds for the conclusion that in the eventual disposition of the funds, City churches should have a preference over those outside, as regards maintenance, &c., even though the funds hitherto applied to the former may not be of a strictly ecclesiastical character, *Milman* 2950-2960—Expediency of continued provision for the maintenance of church services, &c., during the lifetime of the present incumbents, even though this application may not have been made in a strictly legal sense, *ib.* 2961-2963.

Further consideration of the proposed continuance of aid for church services, &c., during the life of present incumbents in the case of particular churches, even though not strictly justifiable in a legal sense, *Milman* 2984-2989.

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Clergy (City of London). Extent to which the trustees of the charities can be said to represent the clergy of the different parishes, *Pearce* 643-645—Explanation as to witness not having invited the clergy to the meetings of the churchwardens which led to the promotion to the City or Private Bill, *Freshfield* 1121-1139. 1356-1359—Action of the City clergy in support rather of the Bill of Professor Bryce than of the Private Bill, *ib.* 1360-1364.

Statement with further reference to the circumstance of the clergy not having been asked to act with the churchwardens as trustees in the deliberations which led to the preparation of the Private Bill, *Freshfield* 1567-1572—Frequent attendance of the clergy in the parishes, though, as a rule, not resident therein, *Phillips* 1959-1961.

Disposition shown by incumbents in the City to aid in a reform of the charities, *Longley* 2902-2904—Approval by the City clergy of the governing body as provided by the Public Bill, the number prepared being ample; slight modification suggested, *Milman* 2949-3006—Opinion that there is no protection given by the Private Bill to the interests of the clergy which is not equally given by the Public Bill, *ib.* 2967-2972.

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Clerks. Reference to poor clerks in the City as in many cases being well deserving of assistance from the surplus of the charities, *Freshfield* 1224-1235—Respects in which some clerks are fit objects for the application of the funds, as in the form of facilities for sending their boys to middle-class schools, *ib.* 1286-1289.

Civil Parishes (City of London). Great advantage if there were an amalgamation of civil parishes in the City for administrative purposes, *Longley* 2824-2829.

Coleman-street Schools. Particulars relative to the Coleman-street Ward Schools, the endowment and voluntary subscriptions by which supported, and the number of children educated and partly fed, *Freshfield* 975-984—Gratuitous education and clothing of some of these children whilst others pay, *ib.* 975. 983—Provision of dinners for these children by witness and others, he being one of the official committee of the schools, *ib.* 977, 978.

COMMISSION OF INQUIRY, &c.:

1. *Suggestions as to the Number of Commissioners and the Mode of Election or Nomination.*
2. *Mode of Payment of Commissioners.*
3. *Powers.*
4. *Question between the Utilisation of the Charity Commission and the appointment of a Temporary Commission.*

1. *Suggestions as to the Number of Commissioners and the Mode of Election or Nomination:*

Views of the trustees of the charities in favour of the insertion of the names of two Commissioners in the City Bill, *Pearce* 31—Advantage in the new Commissioners being elected by persons on the municipal list, instead of being chosen by ballot by those on the Parliamentary Register, *ib.* 56—Suggestion that (until there be a new municipality for London) the members of the district boards and vestries appointed under the Metropolis Local Management Act in each borough be invited to select two Commissioners as representatives of each of the nine boroughs, *ib.* 224.

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COMMISSION OF INQUIRY, &c.—continued.

1. *Suggestions as to the Number of Commissioners, &c.*—continued.

Proposal in the original scheme for the City Bill that there should be but three Commissioners, the number now proposed being five, *Freshfield* 1365-1368—Consideration of the objection that by the proposed mode of appointment of the Commissioners there would be a majority representing the City parishes, *ib.* 1370-1376—Examination as to the constitution of the meeting by which it is proposed that two of the five Commissioners should be elected by the trustees or representatives of the parishes, *ib.* 1438-1421.

Satisfaction expected to be given by the Commissioners proposed to be nominated on the first part of the City trustees, *Freshfield* 1731-1735—Several grounds upon which it is proposed to have a Commission of five members instead of three, *ib.* 1759.

Proposal by the Public Bill that there should be three Commissioners, whilst the Private Bill proposes that there should be five; preference for the latter number, *Phillips* 1859—Undue extent to which the Public Bill proposes that one Commissioner may act as a quorum, these being required by the Private Bill; important advantage of the latter number as regards the question of appeal, *ib.* 1859-1864.

Grounds for justifying the nomination of two trustees or churchwardens as Commissioners, though not having any technical knowledge upon legal questions which might come before them, *Phillips* 2034-2039—Opinion that the five Commissioners under the Private Bill would in twelve months be able to frame schemes for the management of the charities, whilst two years would probably be required by the three Commissioners under the Public Bill, *ib.* 2127-2129.

Preference for the Commission of Inquiry as proposed by the Public Bill before the Committee to that proposed by the Private Bill, *Pell* 2154-2157—Importance of a legal element on the Commission, *ib.* 2156.

Reasons for concluding that the Commission as proposed by the City Bill would be less independent than that proposed by the Public Bill, under which three Commissioners are to be appointed by the Crown, *Pell* 2318-2325—Conformity of the Private Bill to the Report of the Royal Commission, in so far as it provides for one of the new Commission being a member of the Charity Commission, *ib.* 2399-2405—Approval of three Commissioners, including one legal Commissioner, rather than of a Commission of five, comprising two legal members, *ib.* 2406-2421.

Advantage of the nomination of Commissioners by the Crown exclusively, as proposed by the Public Bill, instead of only some being so nominated as proposed by the Private Bill, *Sir S. Fitzgerald* 2524-2527.

Contemplated appointment of four unpaid Commissioners, including the Bishop of London, in addition to three paid Commissioners appointed by the Crown, *Milman* 3022, 3023.

2. *Mode of Payment of Commissioners:*

Opinion that the Commissioners should be paid by fees, rather than by salary; question considered hereon as to the cost to be incurred in this respect, *Freshfield* 1369. 1421-1432.

3. *Powers:*

Omission from the City Bill of any clause similar to Clause 17 of the Public Bill, whereby the Commissioners have unduly wide powers in dealing with charity property, *Pearce* 48—Examination as to the amount of discretion proposed to be left in the new Commissioners in the application of the funds to charitable objects, with direct reference to the intention of the original donors; difference between the two Bills in this respect, *ib.* 555-574.

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4. *Question between the Utilisation of the Charity Commission and the appointment of a Temporary Commission:*

Preference for an independent Commission to deal with the City charities, rather than for empowering the Charity Commission to make inquiry and frame schemes, *Freshfield* 1299, 1300—Further consideration required by witness before offering a decided opinion adverse to or in favour of the appointment of a new Commission, *ib.* 1433-1442.

Approval of the temporary Commission provided by the Public Bill rather than of the Charity Commission as the body to make inquiry, *Pell* 2213, 2214.

Evidence in favour of the action of the Charity Commission, properly strengthened, rather than of the appointment of a new and temporary Commission, *Sir S. Fitzgerald* 2438 *et seq.*; 2644-2658; *Longley* 2726-2730. 2735-2748. 2821-2823.

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4. *Question between the Utilisation of the Charity Commission, &c.*—continued.

Effect of the appointment of a new Commission that there would be a sort of supplementary Charity Commission for the City of London, and that there would be duality of administration productive of great inconvenience, *Sir S. Fitzgerald* 2546-2548—Objection to a Charity Commissioner as member of an independent Commission, though this would be preferable to a Commissioner without any experience, *ib.* 2652-2658.

Amendment introduced into the Public Bill by the Committee, to the effect that the Charity Commissioners be the executive body for the purposes of the Bill, *Rep.* xi.

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Compensation. Explanation and support of the claim of vestry clerks to compensation, *Pearce* 35, 135, 136. 264-267. 544-554—Avoidance under the Private Bill of the large compensatory claims that would otherwise arise in respect of the application of the surplus income, *ib.* 684-686—Restriction proposed as to compensation by limiting it to the lives of those now engaged in the management, *ib.* 700—Similar provision in the Public as in the Private Bill as regards compensation to vestry clerks and others, *ib.* 701.

Examination as to the claim of witness and of other vestry clerks and solicitors to compensation, the Public Bill being passed, and as to his ground for objecting to the clause in the Bill dealing with vested interests, *Phillips* 1868. 2002-2013.

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Corporation of London. Opinion that the Corporation of London are less fitting than the City trustees to represent the City in the present matter, *Pearce* 520-523—Grounds for the statement that the Corporation have petitioned against the Private Bill in order to support it, *ib.* 524-532—Conclusion that the petition of the Corporation is more opposed to the Public than to the Private Bill, *ib.* 718-722.

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Petition of the Corporation of London against the London Parochial Charities Bill, *Rep.* iv—Petition also against the Parochial Charities (London) Bill, *ib.* v.

Cost of Management. Opinion that an estimated payment of 10 per cent. of the income of the charities in salaries, legal expenses, &c., is much too high an estimate, *Pearce* 72-74—Dissent from the view that it would be any saving of expense if the charities of the different City parishes were brought into one large trust under one large body of management; limited knowledge of witness as to the present management expenses, *ib.* 307-325.

Cripplegate. Stop put by the pending legislation to the reforms contemplated by the trustees in Cripplegate parish, *Pearce* 71—Favourable circumstances of Cripplegate parish for the success of technical education, and of a system of scholarships; failure, however, of the latter system, *ib.* 212, 213.

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Dinners. Instances of expenditure out of the funds of the charities in dinners and in wine; question as to misapplication being necessarily involved, *Freshfield* 1548-1556.

Doles. Liability to abuse in connection with doles, *Freshfield* 1189-1193—Careful inquiry by witness when persons apply to become recipients of charitable gifts; checks upon false representation on their part, *Phillips* 1897-1904—Visitation of the recipients of the charities from time to time as a check upon misapplication of the funds, *ib.* 1910-1915.

Mischievous results consequent upon the large sums expended in doles and pensions; grounds for this statement, *Pell* 2164, 2165. 2173, 2174—Operation of doles as a premium upon pauperism and in reduction of wages, *ib.* 2164. 2174.

Investigation made by witness into the question of doles; instances of persons in the City deriving a better income from parochial relief and doles than they could expect to make by honest industry, *Pell* 2215-2219—Difficulty in the distribution of doles in the City, the same persons sometimes receiving from different sets of trustees, *ib.* 2234, 2235—Greater chance of the mischief in connection with doles being done away with under the Public Bill than under the Private Bill, *ib.* 2422.

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Doles—continued.

Very decided action of the Charity Commissioners in the diversion of doles to better uses than those to which they were formerly applied, *Longley* 2749-2752—Altered views now adopted as to the distribution of charity funds in doles, &c., *ib.* 2860-2862.

See also *Roman Catholics*.

E.

Ecclesiastical Purposes. Examination as to the modes in which certain endowments not originally of an educational character might be dealt with; reference more especially to endowments applied for many years to ecclesiastical purposes, *Pearce* 172-189.

Explanation in connection with the proposal in the Private Bill as to the continued application of funds to ecclesiastical purposes where they have been so applied for a long period, *Freshfield* 1617-1625.

Witness, as a representative on the committee from the different parishes promoting the Bill, believes that the parishioners generally desire to see the ecclesiastical duties fulfilled out of the charity income or surplus income, *Phillips* 1812.

Exception taken to the mere fact of user as conclusive as to the ecclesiastical character of any charity; several instances of ecclesiastical application open to question, *Pell* 2340-2347.

Approval of the provision in the Public Bill recognising long user as raising a presumption that the charities had been established for ecclesiastical purposes, *Sir S. Fitzgerald* 2529-2532.

See also *Churches, &c.*

Education. Opinion in the City favourable to the application of the charity funds to education; advantage of schools for a class of children above those provided for by the London School Board, *Pearce* 141-149 — Doubt as to the expediency of applying the funds in aid of technical or industrial instruction, *ib.* 145. 149.

Further evidence favourable to application of the parish or charity funds to a higher class of schools than the Board schools rather than to technical education, or to exhibitions and scholarships for Board school children, *Pearce* 155-167—Explanation relative to the refusal of the City trustees to supply certain information applied for by the School Board, *ib.* 168-171. 214, 215—Similar provisions substantially in both Bills upon the subject of technical instruction, exhibitions, &c., *ib.* 723-725.

Consideration of the extent to which there might be an application of funds to educational purposes; approval of application outside the City if there be a surplus available after providing for several schools, &c. in the City, *Freshfield* 1579-1599.

The parishioners would approve of the surplus income going in aid of a system of middle-class education, on the ground that the Board schools are not fitted for the middle classes, and have displaced preparatory schools and schools for minor education, *Phillips* 1812.

Explanations with further reference to the proposed application of some of the funds to education, and to the want created by the displacement of small preparatory schools by the School Board of London, *Phillips* 2067-2075. 2082-2107.

Expediency of help towards the provision of libraries and museums, and the promotion of education; the efforts and duties of the people in this direction should be aided, not superseded, *Pell* 2176-2180—Further consideration of the extent to which the funds might be applied in aid of education, *ib.* 2356, 2357.

Consideration of the extent to which, under the doctrine of *cy pres*, charitable funds may be applied in aid of education, or in the provision of museums, open spaces, &c., *Sir S. Fitzgerald* 2504-2560.

Various objects to which the charitable funds might be applied, such as secondary education, hospitals, &c., care being taken not to pauperise the recipients of the funds, *Milman* 2930.

Amendment introduced into the Parochial Charities (London) Bill on the subject of education, &c., *Rep.* xiii.

Endowed Schools Act. Views of Lord Selborne in 1866 as to the expediency of the work in connection with the Endowed Schools Act being carried out by the Charity Commissioners; very beneficial results from the eventual fusion of the Endowed Schools Commission with the Charity Commission, *Sir S. Fitzgerald* 2536-2539. 2549, 2550.

Expiration at the end of 1882 of the powers possessed by the Commissioners under the Endowed Schools Act of 1874; expected continuance of some of these powers permanently, *Sir S. Fitzgerald* 2636-2641.

Exemptions from Legislation. Object of certain words in the City Bill to prevent property which has no kind of charitable purpose, in the ordinary popular sense of charity, from being dealt with by the Commissioners without due consideration, *Pearce* 35, 36—Evidence in support of Clause 17 of the City Bill whereby endowments or schemes less than fifty year old are not affected, without the consent of the governing bodies, *ib.* 48-53—Explanation in connection with Clause 10 of the City Bill as regards estates which, though classed as charities, are applicable to any purpose to which the parochial authorities may think fit to devote them, *ib.* 137-140.

Estimated withdrawal of about 40,000 *l.* a year from the operation of the new Commission by the provision which excludes schemes made within the last fifty years; approval of this proviso being modified, *Pearce* 677-682.

Slight importance attached by witness individually to the clause excluding the action of the Commission where there is a scheme less than fifty years old; readiness of the governing bodies to alter schemes when necessary, *Freshfield* 1259, 1260. 1267-1269. 1273.

Explanations with reference to witness' proposal for empowering the Commissioners to determine whether property is held for private purposes or for eleemosynary and charitable purposes, with a view to exclusion from the Act in the former case, *Phillips* 1869-1872. 1975-1990.

Grounds for objecting to the proposal in the Private Bill for exempting from the operation of the Commission any scheme less than fifty years old, *Pell* 2206-2209—Doubt as to the expediency of empowering the Commission to leave some charities still separate, without being under the control of the new governing body, *ib.* 2361-2369.

Objections to the proposal in the Private Bill for exempting from its operation, save with the consent of the trustees, charities which have been dealt with by any scheme within the last fifty years, *Sir S. Fitzgerald* 2486-2490.

Effect of Sections 10 and 16 of the Private Bill that a very important part of the City charities would be withdrawn from the operation of the Bill; decided objection to any exemption of charities for which schemes have been framed within the last fifty years, *Langley* 2767. 2769, 2770. 2889-2892.

Comment by Mr. Bryce upon the exemptions as proposed in the Private Bill, *App.* 256.

See also *Parish Property*.

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F.

Fitzgerald, The Right Hon. Sir W. R. Seymour V., G.C.S.I. (Analysis of his Evidence.)—Witness, who is chief Charity Commissioner, gave evidence before the Royal Commission on City Charities, 2432, 2433—The Charity Commissioners have no power of initiating proceedings in respect of charities in London or elsewhere, or of uniting charities in different localities, save a scheme has been applied for by the trustees, 2434-2437. 2465-2468.

Competency of the Charity Commission to inquire into and complete schemes for the City charities generally in a period of from three to five years, if the Commission be temporarily strengthened by two additional Commissioners, and by three or four inspectors or Assistant Commissioners, 2438-2453. 2475-2477. 2509, 2510. 2521—Opinion that the necessary increase of staff for the completion of the work in three years or so would be less than the staff proposed either by the Public Bill or the Private Bill; necessity under either Bill of making inquiries through inspectors or similar officials, 2442-2446.—Great number of charities now under the Charity Commissioners, and very large income represented; the addition of the City charities, when the schemes are completed, would not involve any permanent increase of staff, 2453-2456: 2475-2484.

Explanation relative to the legal effect of the vesting of the funds of charities in the official trustee: absence of power in the latter or in the Charity Commissioners to interfere with the management or the administration of the income, 2457-2459—Value of the official trustee as obviating the necessity of a new assignment and a new conveyance as upon the appointment of new trustees in the ordinary way, 2460-2464.

Further statement as to the difficulty in the way of new schemes through the initiation resting with the local trustees of charities; this does not apply to charities under 50 *l.*; 2465-2472—Unwillingness of the trustees to make application to the Commissioners in those cases chiefly where reform is most needed; illustration to this effect, 2468-2470—Extension of jurisdiction required by the Commissioners in order to deal comprehensively with the City charities, 2485.

Objections to the proposal in the Private Bill for exempting from its operation, save with the consent of the trustees, charities which have been dealt with by any scheme within the last fifty years, 2486-2490—Frequent unwillingness of trustees, where schemes are in operation, to apply for revision of the schemes, 2488-2490—Decided preference for the Public Bill as compared with the Private Bill, 2491—Absence of any

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any such power in the Charity Commissioners in respect of dealing with the surplus, as is proposed to be given by the Private Bill, 2492-2496.

Probability of an inquiry by a Commission disclosing the fact that some of the property claimed by City parishes is clothed with charitable trusts, 2497-2499. 2522, 2523—Grounds for the impression that there has been a reluctance rather than a willingness on the part of the City charities to promote schemes before the Charity Commissioners, 2500-2508.

Necessity of maintaining an effective body of trustees irrespectively of the official trustee; request of a new deed when vacancies in the trustees have to be filled up, 2511-2515—Further statement as to the official trustee taking no part in the management, such as the granting of leases, &c., 2516-2519—Greater efficiency and economy by using the machinery of the Charity Commissioners as regards the City charities, than by means of a new Commission as proposed by the Bills before the Committee, 2520.

[Second Examination.] Advantage of the nomination of Commissioners by the Crown exclusively, as proposed by the Public Bill, instead of only some being so nominated, as proposed by the Private Bill, 2524-2527—Decided objection to the continuance of so many independent bodies of trustees, 2528—Approval of the provision in the Public Bill recognising long user as raising a presumption that the charities had been established for ecclesiastical purposes, 2529-2532.

Saving of much time by entrusting the work of inquiry to the Charity Commissioners instead of by appointing a new Commission, 2533-2535—Views of Lord Selborne in 1866 as to the expediency of the work in connection with the Endowed Schools Act being carried out by the Charity Commissioners; very beneficial results from the eventual fusion of the Endowed Schools Commission with the Charity Commission, 2536-2539. 2549, 2550—Opinion expressed by the Master of the Rolls and Lord Justice James as to the great value of the experience gained by the Charity Commission in the administration of charities, 2540-2545.

Effect of the appointment of a new Commission, that there would be a sort of Supplementary Charity Commission for the City of London, and that there would be duality of administration productive of great inconvenience, 2546-2548—Serious interference with the business of the Charity Commission if constantly applied to for copies of documents, &c., wanted by a kindred Commission, 2548.

Explanation showing the complete security obtained where funded property, or other personalty, is put into the name of the official trustee, 2551—Neither in the case of funded property nor of landed property has the official trustee any power whatever to interfere with the management, 2552, 2553—Consideration of the extent to which under the doctrine of *cy pres* charitable funds may be applied in aid of education, or in the provision of museums, open spaces, &c., 2554-2560.

Expectation that men of position and influence would readily act upon the governing bodies of important trusts, it being expedient to retain some local element, 2561-2563—Considerable objection to the proposal in the Public Bill for a new governing body of seventeen persons, with certain powers; difficulty in any Commission effectually controlling such body, 2563-2573.

Facilities of the Charity Commissioners, with some extension of their powers, for dealing with the City charities; very competent and experienced staff of Assistant Commissioners or Inspectors available for the work, 2574-2576. 2601-2610—Power of the Commissioners in the event of illegal or improper application of charities to certify a case to the Attorney-General upon which to take action; the Commissioners have no direct power of control over the expenditure, 2577-2584. 2589-2591—Considerable power proposed to be given as regards expenditure by a Bill which passed through the House of Lords in 1881, but which there was not time to bring before the House of Commons, 2584.

Explanation that witness contemplates the framing of schemes by the Charity Commissioners, with separate bodies of trustees, to administer such schemes, charities being united, and areas being extended, so as to form important trusts, 2585-2588. 2594-2602—There is no proposition whatever for handing over the funds to the charge of the Commissioners, 2587, 2588—Expediency of a power in the Commissioners to carry out an inspection of schools under the schemes framed by them, 2592, 2593.

Witness repeats his objection to the continuance of the existing separate bodies of trustees of City charities, and advocates the union of different trusts, geographically and otherwise, rather than the formation of one governing body for all the charities, 2594-2602. 2614-2623—Recognition of local or parish claims in connection with a re-application of parish charities, as for hospitals, &c., 2596. 2615-2622—Necessity of provision being made for defraying out of the charities the expenses of the Charity Commission in respect of increased staff, 2603-2613.

Statement upon the question of the Public Bill affecting the charities of Christ's Hospital, 205.

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Hospital, 2624-2630—Reluctance of the Charity Commissioners to frame any scheme for charities in the City whilst legislation is pending on the subject generally, 2631—Tendency to a decrease of any misapplication of funds in view of impending legislation, 2632-2635.

Expiration at the end of 1882 of the powers possessed by the Commissioners under the Endowed Schools Act of 1874; expected continuance of some of these powers permanently, 2636-2641—Sufficiency of a transfer to the Charity Commissioners of the powers proposed to be given by the present Bills to the new Commissioners suggested therein, 2642, 2643.

Conclusion further expressed in favour of the Charity Commission being strengthened, so as to make full inquiry and frame schemes, rather than of the appointment of an independent Commission, 2644-2658—Objection to a Charity Commissioner as member of an independent Commission, though this would be preferable to a Commission without any experience, 2652-2658—Further approval of some local element in the bodies administering the charities, but nothing like to the same extent as that which now exists, 2659-2666.

Total of twenty-eight or twenty-nine schemes sanctioned by the Charity Commissioners for City charities; doubt as the number of applications refused, 2667-2671—Reference to the case of Mary Barnes' Charity, in St. Margaret's, Lothbury, and to the degree of benefit secured by the vesting of the property in the official trustee, 2672-2678—Punctual transfer of dividends by the official trustee to the bankers for the trust, 2678. 2683-2685—Facility, without the intervention of the official trustee, in the case of houses vested in the rector and churchwardens as trustees, 2679-2682—Explanation in reference to the accumulation of dividends, and the purchase of stock by the official trustee in respect of certain City parishes, the money not having been applied to any particular purpose, 2683-2692.

*Fleming, The Rev. William. (Analysis of his Evidence.)—*Witness is one of the priests of the Roman Catholic Church in Moorfields, this being the parish church for the Roman Catholics generally in the City, 3048-3051.

Sectarian conditions enforced in the distribution of money from the City charities, so that Roman Catholics are prevented from making application; grounds for this statement, 3052 *et seq.*—Failure of a representation made by witness about three years ago (when a Charity Commissioner attended at an inquiry in the City), in favour of portion of the surplus funds being handed over to the priests of Moorfields for distribution by them, 3053-3060. 3084-3094—Obstacle to Roman Catholic children attending the ward schools as a condition of their participating in the charities, 3055.

Grounds for the complaint that poor Roman Catholic women are required to attend the Church of England service as a condition of receiving doles; there is, at all events, a belief among the Roman Catholic poor that such attendance is required, so that they are debarred from applying for aid from the charities, 3057-3059. 3083-3085. 3095-3109—Opinion that the wants of the City poor should be satisfied before any application of the charities outside the City, 3067, 3068.

Total of from 500 to 600 children at the Roman Catholic schools in Moorfields, supported by voluntary subscriptions, the children coming from all parts of the City, 3069-3082. 3116—Circumstance of formal application not having been made on behalf of the Roman Catholic community in the City to the Charity Commission in reference to their exclusion from the charities, 3089-3094. 3110-3115—Objection to Roman Catholic children going to the Board schools, there being no proper provision for their religious education, 3117-3120.

*Freshfield, Edwin. (Analysis of his Evidence.)—*Witness is a solicitor, carrying on business in Bank Buildings, where he has resided all his life, his family for generations before him having lived in the adjoining parish, 955-959—His offices are situated in two parishes, St. Margaret's, Lothbury, and St. Olave's, Jewry, 957—St. Margaret's parish comprises the Bank of England, and several other important institutions and firms, 960, 961.

Official connection of witness with St. Margaret's parish in 1868, where as churchwarden he became an *ex officio* trustee of certain parish property of St. Christopher-le-Stock, 962-966—Accumulation which had been going on for several years in the case of Mary Barnes' Charity in respect of apprenticeships, the amount in 1868 having been about 1,400 *l.*, from an income of about 50 *l.* a year, 967—Scheme subsequently carried by witness and others for dealing with Mary Barnes' Charity, the money being applied partly to the sending of boys to middle-class schools and partly to apprentice ships; useful working of the arrangements as to education, 968-974.

Particulars relative to the Coleman-street Ward Schools, the endowment and voluntary subscriptions by which supported, and the number of children educated and partly fed, 975-984—Gratuitous education and clothing of some of these children whilst others

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others pay, 975. 983—Provision of dinners for these children by witness and others, he being one of the official committee of the schools, 977, 978.

Information relative to the trust property of St. Christopher-le-Stock, of which witness and his co-churchwarden and the rector are trustees; this property consists of a house, now producing 500 *l.* a year, and of 5,000 *l.* New Three per Cents., 985-1000—Application of the income for the maintenance of the church and services of St. Margaret, Lothbury, the rectory house, &c.; particulars hereon as to the attendance at the church and lectures, 991-1000—Steps taken by witness in the autumn of 1877 as to the application of the surplus income of St. Christopher-le-Stock; proposal made for benefiting the parish of St. Mark's, Old-street, which is very poor, 1000. 1001.

Explanation in connection with a memorial to the Home Secretary, prior to the appointment of the Royal Commission, showing that witness and other trustees of city charities were desirous of obtaining increasing powers with a view to an improved application of the funds, 1002-1010—Meeting of the churchwardens of several parishes in July 1878, and resolutions then adopted as to the steps to be taken by the trustees in view of the proposed Royal Commission, 1010-1012—Particulars relative to various subsequent meetings of the churchwardens, and the action taken thereat in reference not only to the Royal Commission but to the Parochial Charities Bill of 1881; 1013-1034.

Statement explanatory of the eventual action of the churchwardens in preparing a scheme of their own, and in promoting an independent Bill in opposition to the Bill introduced by Professor Bryce, 1035-1069—Letter from witness to the sub-committee of churchwardens, dated 27th May 1881, explaining in detail the reasons for proposed alterations in various clauses of the Bill of Professor Bryce, 1040-1050—Attendance of trustees and churchwardens at meetings subsequently to 16th June 1881; report of the sub-committee as to the action to be taken, and as to the scheme and Bill to be supported, 1052-1054.

Reference to the scheme of the churchwardens and trustees as not differing materially from the Bill introduced in the present Session, 1055-1058—Chief points upon which witness differs from the views of Professor Bryce; importance attached to the management of the trustees being retained by the trustees, 1058—Desire of witness that the scheme or Bill of the trustees should conform as closely as possible to the Report of the Royal Commission, *ib.*

Explanations upon the subject of contributions by the parishes, witness not having in the first instance suggested that subscriptions should be asked for, 1059-1069—Several reasons for the management of the property being left in the hands of the existing trustees; importance of the personal responsibility thus secured, 1070, 1071—Advantage of the trustees being conversant with the property, this advantage being lost if the property were vested in a non-resident official trustee, 1071.

Strong objection to the words in the Preamble of the Public Bill as to a great part of the income being now "unapplied, or wasted, or misapplied," 1072-1080—Comment upon a statement by Sir Henry Peek in the House of Commons as to money having been wasted or misapplied in doing up the church of St. Margaret, Lothbury, 1076.

Stress laid upon the fact that some of the property proposed to be dealt with by the Public Bill is the absolute property of the parishes; question hereon as to all parish property being necessarily saddled with some trust, 1081-1094—Doubt as to the extent to which the parishes have applied charity funds in payment of poor rates; misapplication if a very large portion of the income has been thus used, 1096-1106. 1113-1120—Exception further taken, nevertheless, to the words in the Preamble of the Public Bill as to a large part of the funds being misapplied or wasted, 1107-1120.

Explanation as to witness not having invited the clergy to the meetings of the churchwardens, 1121-1139—Examination relative to the number of parishes represented at meetings which have approved of the scheme embodied in the City Bill; consideration more especially of the grounds for assuming that those present were duly authorised as representatives of their parishes, 1140-1181—Understanding on the part of witness that certain subscriptions were given in the belief that the scheme would be proceeded with, 1165-1175.

Absence of poor in the parishes of St. Margaret, Lothbury, and St. Christopher-le-Stock, 1182-1188—Liability to abuse in connection with doles, 1189-1193—Examination as to witness' grounds for objecting to the vesting of charity property in the official trustee, it being submitted to him that the management still rests entirely with the ordinary trustees, 1194-1206.

Examination as to witness' grounds for advocating that City parishes generally should have a preferential claim over the rest of the metropolis in respect of any surplus income from the charities in some of the City parishes, 1207-1235—Reference to poor clerks in the City as in many cases being well deserving of assistance from the surplus of the charities, 1224-1235—Circumstance of the parish of St. Bartholomew, Royal Exchange, having had a scheme before the Charity Commissioners for seven years, 1236.

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Consultation of Mr. Wyatt by witness, and long discussion with him before it was decided to bring in a new Bill in the present Session instead of making amendments in the Private Bill of last year, 1237-1241—Explanation in connection with an application to the City parishes in February 1882, asking for subscriptions in support of the Private Bill; opinion as to the legality of such subscriptions out of the charity funds, 1242-1253—Prospect of more than a fourth of the entire funds under the Bill being available as surplus for the metropolis generally, 1254, 1255.

Approval of some provision being introduced into the City Bill to meet the case of persons working in the City by day, but not resident in it, 1256-1258—Slight importance attached by witnesses individually to the clause excluding the action of the Commission where there is a scheme less than fifty years old; readiness of the governing bodies to alter schemes when necessary, 1259, 1260. 1267-1269. 1273—Explanation that witness, though not concurring with other promoters of the Private Bill on certain points, may be taken as representing the views of the promoters generally, 1261-1266. 1273.

Adherence of witness to the proposal in the Private Bill for a governing body of fifty members, or to a body as similar as possible to that proposed by the Royal Commission, 1270-1278—Further explanation as to witness' interpretation of the term "eleemosynary purposes;" opinion that the private property of the parish should not be included therein, 1274-1277—Grounds for the conclusion that the members of the new governing body proposed by the Private Bill are well conversant not only with the property to be administered, but with the poor of the City parishes, 1279-1286—Respects in which some clerks are fit objects for the application of the funds, as in the form of facilities for sending their boys to middle-class schools, 1286-1289.

Action of witness without any reference to the Twenty-fourth Report of the Charity Commissioners, 1290-1298—Preference for an independent Commission to deal with the City Charities, rather than for empowering the Charity Commission to make inquiry and frame schemes, 1299, 1300—Approval of power in the Commission to compel the trustees to take action with a view to the framing of schemes; witness does not, however, apprehend any difficulty on this score, 1301-1303—Further reference to the circumstance of schemes not having been recently sanctioned by the Charity Commissioners, 1304-1306.

Explanation as to witness' position as one of the executive committee in support of the Private Bill, and as to the constitution of this committee and of the sub-committee subsequently formed, 1307-1334—Frequent meetings of the sub-committee, and good attendances thereat, 1335, 1336—Limitation of the meeting of 29th April to churchwardens, though some vestry clerks may have been present without witness' knowledge, 1337-1342.

Resolutions adopted at the meeting of 29th April adverse to the Bill of Professor Bryce; general feeling, however, among churchwardens and trustees that some action was necessary in the matter, 1343-1351—Grounds for a statement by witness as to the probable disuse of some of the parish churches under the action of the Commissioners, 1352-1355—Further explanation as to the clergy not having been invited to the meeting of 29th April, 1356-1359—Action of the clergy in support rather of the Bill of Professor Bryce than of the Private Bill, 1360-1364.

Proposal in the original scheme for the City Bill that there should be but three Commissioners, the number now proposed being five, 1365-1368—Opinion that the Commissioners should be paid by fees rather than by salary; question considered hereon as to the cost to be incurred in this respect, 1369. 1421-1432—Consideration of the objection that by the proposed mode of appointment of the Commissioners there would be a majority representing the City parishes, 1370-1376.

Statement with further reference to the application of funds in payment of poor rates in connection with the question of misappropriation being involved, 1378-1390—Great increase in the value of the property under the management of the present trustees, witness submitting that the same benefit would not result if the property were vested in an official trustee, 1391-1401.

Opinion further expressed that those who work in the City should have a preference to participation in the surplus after those who are resident, 1402-1404—Increasing proportion of persons working in the City in the day time, 1405-1407.

Examination as to the constitution of the meeting by which it is proposed that two of the five Commissioners should be elected by the trustees or representatives of the parishes, 1408-1421—Further consideration required by witness before offering a decided opinion adverse to, or in favour of, the action of the Charity Commissioners, in lieu of the appointment of a new Commission, 1433-1442.

[Second Examination.] Further consideration of the grounds upon which witness contends that some of the properties dealt with by the Public Bill are not held in trust for charitable purposes, but are held by the parishes as their own property, free from any trust

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trust whatever, 1444-1488—Attention of witness called to the case of the Attorney General *v. Webster*, in which it was decided by the Master of the Rolls that there could not be a valid trust for the benefit of the parishioners without its being charitable; dissent from this view, 1460-1480.

Examination as to witness' grounds for the conclusion that where property is vested in the official trustee, he is responsible for the important part of the management; necessary consent of the Charity Commissioners before sale or letting of the property, 1489-1521. 1533-1536—Explanation in connection with the case recently submitted by witness for the opinion of Mr. Kekewich as to the payment of the expenses of the Private Bill out of the income of the charities; witness hands in the opinion of Mr. Kekewich, 1522-1532. 1699, 1700.

Further examination relative to witness' objection to the words in the preamble of the Public Bill as to "a great part of the income being now unapplied, or wasted, or misapplied;" witness objects chiefly to the sweeping character of this charge, though in some special instances income may have been unapplied, or misapplied, 1537-1566. 1639-1646—Instances of expenditure in dinners and in wine; question as to misapplication being necessarily involved, 1548-1556—Misapplication in the case of Sarah Dove's Charity if money left for poor widows is carried to the amalgamated fund, 1559-1565.

Statement with further reference to the circumstance of the clergy not having been asked to act with the churchwardens as trustees in the deliberations which led to the preparation of the Private Bill, 1567-1572—Expectation that the new governing body proposed by the Bill would possess the public confidence; very similar proportion of the existing class of trustees as was proposed by the Royal Commission, 1573-1578. 1736, 1737.

Further consideration of the extent to which there might be an application of funds to educational purposes; approval of application outside the City if there be a surplus available after providing for ward schools, &c., in the City, 1579-1599. 1610—Approval also of some help being given to a system of pensions carefully guarded, 1600, 1601—Dissent from the view of the Charity Commissioners that the altered circumstances of the locality justify the re-appropriation of the whole of the funds to new charitable uses, 1602.

Evidence with further reference to the extent to which those employed in the City, but not resident therein, should participate in the funds or in the surplus available, 1603-1616—Explanation in connection with the proposal in the Private Bill as to the continued application of funds to ecclesiastical purposes where they have been so applied for a long period, 1617-1625—Unsatisfactory manner in which some of the funds derived from the sale of sites of City churches have been applied to church purposes elsewhere, 1626-1629.

Inability of witness to give explanations in connection with the appropriation of certain funds in the parish of St. Olave, Jewry, 1633-1638—Questionable appropriation of funds in making a presentation of plate to churchwardens, as in St. Mildred's, Breadstreet, 1639-1642—Doubtful appropriation also in this parish in the expenditure of large sums in breakfasts and dinners, and in aid of poor rates, 1643-1646.

Doubt as to there being much difference in the amount of the relative surplus under the two Bills before the Committee, 1647-1654—Acceptance by witness of the recommendation of the Royal Commission that part of the funds should be applied outside the City; preference is not given by the Bill to those working in the City, though, personally, would approve such preference, 1655, 1656. 1713-1725—Main difference between the two Bills, that the City Bill leaves the management of the property mainly with the existing trustees, and does not do away with schemes without the consent of the governing body, 1657-1660.

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of the number of the governing body proposed by the Public Bill, *Longley*, 2776—Objection to the proposed election of one member of the governing body by the churchwardens of certain parishes, *ib.* 2777. 2900.

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Examination upon a circular issued by witness to the trustees on 6th February last, referring to subscriptions in 1881, in order to defeat Mr. Bryce's Bill, and inviting further subscriptions, in order to put the whole case fairly before Parliament; explanation hereon that the opposition by Mr. Freshfield to the Public Bill on Standing Orders in 1881 did not cost the trustees anything, 371-394 — Circumstance of a rumour having recently reached witness that the trustees of some parishes had applied to the Charity Commissioners to know whether the subscriptions in question would be a proper application of charity funds, 395-418 — Witness understood the Commissioners said they would not sanction the proposed expenditure, but he denies their jurisdiction in the matter, 419-431.

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Further statement as to witness representing eighty-six parishes that have consented to the City Bill, as well as eighty per cent. of the income of the charities, 726-733—Reason further assigned for the trustees not responding to the invitation of the London School Board asking for information; the fullest information was given to the Royal Commissioners, 734-737—Publicity given in the Press to the scheme put forward by the trustees in 1881; public meeting in August last at which it was resolved to convert the scheme into a Bill, 738-745.

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Strong objection to the clause in the Private Bill proposing provision for reduced professional men and others, 2180-2189. 2232, 2233. 2428-2431—Less local character of the new governing body under the Public Bill than under the Private Bill; objection also to as many as fifty members, as proposed by the latter Bill, 2190—Representative character of the Metropolitan Asylums Board, so that it is recommended that they should supply some members of the governing body, 2191-2195.

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Difficulty in the distribution of doles in the City, the same persons sometimes receiving from different sets of trustees, 2234, 2235—Bodies already existing for dealing with funds given for open spaces, or for convalescent hospitals, 2236-2242—Further reference to certain recommendations of the Royal Commissioners, and to the dissent of Sir Farrer Herschell and witness from portion of the Report, 2243-2251.

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Further evidence upon the question of the State imposing conditions upon public or charitable bequests, and revising them after a certain period; less reason for State interference with private bequests, 2306-2317—Reasons for concluding that the Commission as proposed by the City Bill would be less independent than that proposed by the Public Bill, under which three Commissioners are to be appointed by the Crown, 2318-2325—Approval of a large portion of the charitable funds being capitalised and sunk in the provision of land for open spaces and other objects, 2326-2331.

Representative character of the seventeen members of the new governing body proposed by the Private Bill, 2332-2335—Advantage of a working body of seventeen members, rather than of fifty; 2336-2339.—Exception taken to the mere fact of user as conclusive as to the ecclesiastical character of any charity, several instances of ecclesiastical application open to question, 2340-2349.

Expediency of the charities being all administered by one governing body under one uniform system for the whole of the metropolis, including the City, 2350-2352. 2386—Exception taken to the local election of a large number of the new governing body as proposed by the Private Bill and by the Royal Commission, 2353-2355—Further consideration of the extent to which the funds might be applied in aid of education, 2356, 2357.

Very large number of separate charities in the City, exclusive of the five parishes in the first schedule of the Bill, 2358-2360—Doubt as to the expediency of empowering the Commission to leave some charities still separate, without being under the control of the new governing body, 2361-2369—Estimate of about 117,000*l.* as the total income to be administered by the new body, the amount increasing rapidly, 2370-2380—Considerable diminution of the income if some of the capital be sunk in providing parks and open spaces, 2381-2386.

Further statement on the subject of out-door relief, and the very bad effect of any laxity in giving such relief, 2387-2389—Great importance of attention to sanitary matters as in the parish of St. George's-in-the-East, 2389—Conditional approval of some of the charity funds being applied to pensions, 2390-2394. 2427—Doubt as to anything in the nature of open spaces having been contemplated in the original bequests, 2395-2397.

Conformity of the Private Bill to the Report of the Royal Commission in so far as it provides for one of the new Commission being a member of the Charity Commission, 2399-2405—Approval of three Commissioners, including one legal Commissioner, rather than of a Commission of five, comprising two legal members, 2406-2421.

Greater chance of the mischief in connection with doles being done away with under the Public Bill than under the Private Bill, 2422—Question further considered whether a new governing body of as many as fifty members is not too numerous, 2423-2426—Exception further taken to the grant of pensions out of the funds to reduced professional men and others, 2428-2431.

Pensions. Reason for the proposed power under the City Bill for granting pensions, there being no such power in the Public Bill, *Pearce* 44—Approval of some help being given to a system of pensions carefully guarded, *Freshfield* 1600, 1601.

Strong objection to the clause in the Private Bill proposing pensions for reduced professional

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professional men, merchants, tradesmen, and others resident within the metropolis, their wives and widows, under suitable restrictions, *Pell* 2180–2189—Obstacles to the satisfactory working of the provisions in the Private Bill relative to pensions out of charity funds, *ib.* 2232, 2233—Approval of some of the charity funds being applied to pensions if these can be effectually administered without prejudice to self-reliance, *ib.* 2390–2394, 2427—Exception further taken to the grant of pensions out of the funds to reduced professional men and others, *ib.* 2428–2431.

Very careful restrictions necessary in connection with the pay of pensions out of charity funds, *Langley* 2905–2909.

Phillips, Henry Druitt. (Analysis of his Evidence.)—Witness, who is a solicitor in the City, is vestry clerk of the parishes of St. Mary, Woolnoth, St. Edmund the King and Martyr, St. Nicholas Acons, and St. Mary, Woolchurch Haw, 1761–1763.

Income of only 5 *l.* 7 *s.* 5 *d.* a year in the case of St. Nicholas Acons, this being for charitable purposes, and being administered without any expense whatever, 1764–1773—There is no scheme regulating the charities in the parish, 1769, 1770—The income in question is well applied, and there is no surplus, 1774, 1775.

Income of 480 *l.* a year in the case of St. Mary, Woolchurch, of which parish witness has been vestry clerk for twenty-five years; application of this income for the general benefit of the parish, as prescribed by the original trust deed, 1776–1779—Administration of the property, efficiently and economically, by the rector and five other trustees, there being no surplus, 1780, 1781, 1785–1788—There is no scheme regulating this property, 1782, 1783—Whenever new trustees are appointed the draft deeds are submitted to the Charity Commissioners for approval, 1784—The property consists of a house in George-street, now let on lease at 480 *l.* a year, 1789–1793.

Particulars relative to the charities of St. Mary, Woolnoth, as administered by different trustees, the gross income being about 210 *l.* a year, 1794–1807—Applications made to the Charity Commissioners for schemes for two of the funds in this parish, but without effect, 1802–1804—Economy with which the several funds in the parish are administered, 1808–1811.

Witness, as a representative on the Committee from the different parishes promoting the Bill, believes that the parishioners generally desire to see the ecclesiastical duties fulfilled out of the charity income or surplus income, 1812—The parishioners would approve also of the surplus income going in aid of a system of middle-class education on the ground that the Board Schools are not fitted for the middle classes, and have displaced preparatory schools and schools for minor education, *ib.*

Several charities in the parish of St. Edmund the King and Martyr, the principal being John Long's Trust; income of 4,300 *l.* a year from this charity, the surplus being about 500 *l.* or 600 *l.* a year, 1813–1823—Application of the income from John Long's Trust to the services of the church, the maintenance of the fabric, and to pensioners, or poor parishioners, 1814—Modes of application of the surplus income from this charity, the sanction of the Charity Commissioners being obtained, 1824–1826—Application to the Commissioners in November 1880 for a scheme in the foregoing case, consideration of the matter being deferred, 1827–1829—Particulars in connection with Watson's Gift, witness submitting that this is the private property of the parish; there is no surplus from this fund, 1830–1838.

Impracticability of getting persons to fulfil the duties of parish officers in St. Edmund the King and Martyr if the parish were deprived of the income from John Long's Trust and Watson's Gift, 1834–1838—Clear distinction between endowments for charitable purposes and endowments for general or parish purposes, 1835, 1836—Importance of the parishes not being deprived of their funds if the parochial system is to be maintained; great value attached to such maintenance, 1836–1842.

Action of the four parishes represented by witness in supporting the promotion of the City, or Private Bill, 1843—Expectation that in course of time there will be a considerable increase in the residential population of the City, 1845, 1846—Conclusion as to the expediency of leaving the funds in the hands of the existing trustees instead of transferring them to official trustees, 1847–1851—Belief that the Private Bill is strictly in harmony with the lines laid down by the Royal Commission, 1850.

Grounds for the conclusion that there would be an increase rather than a decrease in the cost of administration if the funds were vested in official trustees, 1852–1857—Care taken to curtail the expense when new trustees are appointed, 1856, 1857—Advantage of local rather than official trustees as regards the development and improvement of the property, 1858.

Proposal by the Public Bill that there should be three Commissioners, whilst the Private Bill proposes that there shall be five; preference for the latter number, 1859—Undue extent to which the Public Bill proposes that one Commissioner may act as a quorum, three being required by the Private Bill; important advantage of the latter number as regards the question of appeal, 1859–1864.

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Strong advocacy of the retention in Clause 5 of the Private Bill of the words "such as have been for a long period of years applied to such purposes," 1865, 1866—Approval of the Clause in the Private Bill rather than of that in the Public Bill with respect to saving existing schemes, 1867—Unfairness in vested interests, as in witness' case, not being duly considered, 1868—Expediency of excluding from the Bill properties clearly given for other than eleemosynary or charitable purposes, 1869–1872.

Opinion that in the case of charities of any importance the existing governing bodies should be consulted, and their consent obtained, before being united to other governing bodies, 1873—Several grounds upon which it is expedient that the new governing body should be taken to a large extent from the existing body of trustees, 1874—Decided objection to the proposal in the Public Bill that two members of the governing body are to be nominated by the London School Board, two by the Metropolitan Asylums Board, and one by the Fellows of Sion College, *ib.*

Very slight extent to which the Public Bill follows the recommendations of the Royal Commission, 1875—Comment upon the proposal to take away from the existing governing bodies every charity property in their control, *ib.*—Strong protest against the words in the Preamble of the Public Bill as to "a great part of the income being now misapplied or wasted"; that is, by the existing trustees, 1876.

Witness is not a trustee of a charity, nor is he a churchwarden, 1877, 1878—Small population of the parish of St. Nicholas Acons, and of St. Edmund the King and Martyr; average attendance at the church in the latter parish, there being no church in the former, 1879–1889—Relief given out of the charities in the parishes represented by witness to non-resident as well as to resident parishioners; reference to the terms of John Long's bequest in justification of this application of the income, 1890–1896.

Careful inquiry by witness when persons apply to become recipients of charitable gifts; checks upon false representation on their part, 1897–1904—Preference to be given to those applicants who are inside the City as compared with those outside, 1905–1909—Visitation of the recipients of the charities from time to time as a check upon misapplication of the funds, 1910–1915.

Several different bodies of trustees in the four parishes represented by witness; witness counting the rector and churchwardens as trustees, 1916–1921—Further reference to the disposal of the surplus charity funds in aid of hospitals and provident institutions, some of which are outside the City, 1922–1929—Claim allowed in the case of non-resident persons whose fathers were ratepayers in the parish; doubt as to there being any case of a recipient in respect of his grandfather's rateability, 1930–1934.

Conclusion as to the parish funds, distinct from the charity funds, being properly applicable towards the salaries of vestry clerks and other officials; sense in which the parish funds are in the nature of a trust, 1935–1951—Exception taken to the scheme for facilitating the union of City benefices, 1952–1954.

Importance further attached to the maintenance of the parochial system, and of separate churches, though the attendance at some of the City churches on Sunday, may not be more than twenty, if so much, 1955–1967—Frequent attendance of the clergy in the parishes, though, as a rule, not resident therein, 1959–1991—Value of the parochial system, although the population in each parish may be very small, 1962–1967.

Difficulty in estimating the proportion of the total charitable funds applicable to general parish purposes; very few instances of bequests for such purposes, 1968–1974—Specific purposes for which the parish funds are usually given, such as decrease of the poor rates, &c., 1974—Explanation with further reference to witness' proposal for empowering the Commissioners to determine whether property is held for private purposes, or for eleemosynary and charitable purposes, with a view to exclusion from the Act in the former case, 1975–1990.

Varying attendance at the vestry meetings in the parishes represented by witness; instance of only five persons present at a meeting, 1991–1993—Further statement relative to the expenses entailed by vesting the property in an official trustee; expenses involved when trustees' meetings are now held, there being as few meetings as possible, 1994–2001.

Examination as to the claim of witness, and of other vestry clerks and solicitors, to compensation, the Public Bill being passed, and as to his ground for objecting to the clause in the Bill dealing with vested interests, 2002–2013—Benefit anticipated from a consolidation of the smaller, but not of the larger, charities; more useful application of the income thereby, 2014–2026—Very few exceptions in which the income is not satisfactorily applied in the case of the larger charities, 2025–2033.

Grounds for justifying the nomination of two trustees or churchwardens as Commissioners, though not having any technical knowledge upon legal questions which might come before them, 2034–2039—Further objection to the nomination of any members of the new governing body by the Metropolitan Asylums Board, as being a body having nothing

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nothing to do with the City, or the City charities, 2040-2047. 2050—Sufficient representation of interests outside the City if, as proposed, fifteen members of the new body were appointed by Her Majesty, 2048, 2049—Extent to which the Corporation of London represents ratepayers outside the City as well as inside, 2051-2058.

Question as to its being desirable to alter the law compelling all moneys left for charitable purposes to be vested in official trustees, 2059, 2060—Further statement as to the tendency to a considerable increase in the residential population in the City, 2061-2066—Explanations with further reference to the proposed application of some of the funds to education, and to the want created by the displacement of small preparatory schools by the School Board of London, 2067-2075. 2082-2107.

Examination as to certain expenditure out of the funds of St. Mildred, Bread-street, in aid of the poor's rates, &c.; question as to the misappropriation in this case, 2076-2081—Consideration of the financial effect of the Private Bill and of the Public Bill, respectively, as regards the surplus of the charities, 2108-2126.

Opinion that the five Commissioners under the Private Bill would, in twelve months, be able to frame schemes for the management of the charities, whilst two years would probably be required by the three Commissioners under the Public Bill, 2127-2129—Decided objection to the management being visited entirely in the Charity Commission; great delay and expense in such case before the charities generally are dealt with in a complete and beneficial manner, 2130-2132.

Poor Rates. Statement as to the City poor rates not being diminished by any removal of paupers out of the City, *Pearce* 227-230—Explanation as regards the cost of the poor in the City of London that it does not all fall upon the common fund, *ib.* 702-704.

Examination with reference to the application of funds in payment of poor rates in connection with the question of misappropriation being involved, *Freshfield* 1096-1106. 1113-1120. 1378-1390. 1704-1712—Probability of population returning to the City, and of there being in course of time a large poor population, *ib.* 1660-1679. 1743-1746—Distinct evidence forthcoming as to the people in a certain parish having rated themselves and having built two houses for the purpose of paying the expenses of the poor, *ib.* 1755.

Experience of witness as to misapplication of funds in payment of poor rates, *Milman* 2990.

See also *Out-door Relief*.

Population (City of London). Expectation that in course of time there will be a considerable increase in the residential population of the City, *Freshfield* 1669-1679. 1743-1746; *Phillips* 1845, 1846—Further statement as to the tendency to a considerable increase in the residential population in the City, *Phillips* 2061-2066.

Preamble of Public Bill. See *Misapplication of Funds*.

Preferential Claims. See *Area of Benefit.* *Local Claims.*

Private Bill. Suggestion made by Mr. Wyatt (as Parliamentary Agent) that the funds should be dealt with by a Private Bill, as absolutely necessary under the Standing Orders, *Pearce* 288-290. 306—Limited extent to which witness can cite any precedents for the proposal to deal with charity property by a Private Bill, *ib.* 221-294—Circumstance of the promoters of the Public Bill having been obliged to advertise it and to comply with all the forms relating to Private Bill legislation, *ib.* 306.

Grounds upon which it is submitted by Mr. Bryce that the matters in question cannot properly be dealt with by a Private Bill, *App.* 259.

See also *London Parochial Charities Bill.* *Parliamentary Expenses.*

Provident Institutions. Approval of local effort being aided out of the charities in regard to provident institutions, *Pell* 2179, 2180—Information relative to the objects and operation of the provident institution or pension society in the Tower Hamlets, *ib.* 2223. 2230-2232.

Publicity. Publicity given by means of the "City Press" and "Citizen" in August 1881 to the scheme adopted by the churchwardens and trustees and embodied in the Private Bill, *Pearce* 21, 22—Further reference to the publicity given in the press to the scheme put forward by the trustees in 1881; public meeting in August last at which it was resolved to convert the scheme into a Bill, *ib.* 738-745.

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Religious Instruction. Similarity between the two Bills as regards the application of portion of the surplus fund to religious instruction, *Pearce* 726, 727.

Residential Population. See *Area of Benefit*.

Revision (Charitable Bequests). Evidence upon the question of the State imposing conditions upon public or charitable bequests, and revising them after a certain period; less reason for State interference with private bequests, *Pell* 2209-2212. 2306-2317.

Revision of Schemes. Frequent unwillingness of trustees, where schemes are in operation, to apply for revision of the schemes, *Sir S. Fitzgerald* 2488-2490.

Roman Catholics. Explanation on the subject of the non-admission of Roman Catholic children to the ward schools; limited extent to which such schools have received aid from City charities, *Milman* 3011-3013—Belief as to the funds being applicable to Roman Catholic poor as well as to those of the Church of England, *ib.* 3014-3017.

Sectarian conditions enforced in the distribution of money from the City charities, so that Roman Catholics are prevented from making application; grounds for this statement, *Fleming* 3052 *et seq.*—Failure of a representation made by witness about three years ago (when a Charity Commission attended an inquiry in the City), in favour of portion of the surplus funds being handed over to the priests of Moorfields for distribution by them, *ib.* 3053-3060. 3084-3094.

No regulations have been imposed by the trustees making attendance at the parish church a condition of receiving donations from any charity; belief that the clergy have not enforced any such condition, *Pearce* 3031-3042. 3046, 3047—Witness is not aware that grants have been withheld on sectarian grounds from Roman Catholic schools, *ib.* 3043-3047.

Obstacle to Roman Catholic children attending the ward schools as a condition of their participating in the charities, *Fleming* 3055—Grounds for the complaint that poor Roman Catholic women are required to attend the Church of England service as a condition of receiving doles; there is, at all events, a belief among the Roman Catholic poor that such attendance is required, so that they are debarred from applying for aid from the charities, *ib.* 3057-3059. 3083-3085. 3095-3109.

Circumstance of formal application not having been made on behalf of the Roman Catholic community in the City to the Charity Commission in reference to their exclusion from the charities, *Fleming* 3089-3094. 3110-3115—Objection to Roman Catholic children going to the Board schools, there being no proper provision for their religious education, *ib.* 3117-3120.

See also *St. Faith*.

Royal Commission. Coincidence between the City Bill and the views of the majority of the Royal Commissioners as to the powers to be given for putting in the schedule all ecclesiastical charity property which has been for a long period of years applied to such purposes, *Pearce* 31.

Explanations in detail relative to the different clauses of the City Bill, which witness submits are more in conformity with the Royal Commissioners' Report than are the clauses of the Public Bill, *Pearce* 35 *et seq.*—Anxiety of the trustees of the charities for the passing, in the present Session, of some scheme, based upon the Report of the Royal Commission, *ib.* 71.

Desire of witness that the scheme or Bill of the trustees should conform as closely as possible to the Report of the Royal Commission, *Freshfield* 1058—Belief that the Private Bill is strictly in harmony with the lines laid down by the Royal Commission, *Phillips* 1850—Very slight extent to which the Public Bill follows the recommendations of the Royal Commission, *ib.* 1875.

Dissent of witness and Sir Farrer Herschell from some portions of the Report of the Royal Commission; approval of the Public Bill in so far as it differs from or goes beyond such Report, *Pell* 2202-2204—Further reference to certain recommendations of the Royal Commissioners as to the dissent of Sir Farrer Herschell and witness from portions of the Report, *ib.* 2243-2251.

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St. Bartholomew's, Royal Exchange. Circumstance of the parish of St. Bartholomew having had a scheme before the Charity Commissioners for some years, *Freshfield* 1236.

St. Botolph, Aldersgate. Income of about 10,000 *l.* a year from the charities of St. Botolph, an expenditure of 273 *l.* a year for management not being an extravagant sum, *Pearce* 312—Entire dissent from a statement by Mr. Deputy Fowler that the funds in St. Botolph parish had been absolutely wasted, *ib.* 325-331.

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Representations by counsel in support of the petition of the parish, *p.* 149.

St. Christopher-le-Stock. See *St. Margaret's, Lothbury, &c.*

St. Edmund the King and Martyr. Several charities in the parish of St. Edmund the King and Martyr, the principal being John Long's Trust; income of 4,300*l.* a year from this charity, the surplus being about 500*l.* or 600*l.* a year, *Phillips* 1813-1823—Application of the income from John Long's Trust to the services of the church, the maintenance of the fabric, and to pensioners or poor parishioners, *ib.* 1814—Modes of application of the surplus income from this charity, the sanction of the Charity Commissioners being obtained, *ib.* 1824-1826—Application to the Commissioners, in November 1880, for a scheme in the foregoing case, consideration of the matter being deferred, *ib.* 1827-1829.

Particulars in connection with Watson's Gift, witness submitting that this is the private property of the parish; there is no surplus from this fund, *Phillips* 1830-1838.

Impracticability of getting persons to fulfil the duties of parish officers if the parish were deprived of the income from John Long's Trust and Watson's Gift, *Phillips* 1834-1838.

Relief given out of the charities in the parishes represented by witness to non-resident as well as to resident parishioners; reference to the terms of John Long's bequest in justification of this application of the income, *Phillips* 1890-1896.

St. Faith. Due care taken in the application of the funds in witness' parish (St. Faith); surplus accumulated and invested, pending a comprehensive scheme for the charities generally, *Milman* 2936, 2937, 2942-2945, 2977-2983—Explanation as to a scheme not having been put forward in respect of the surplus fund accumulated, *ib.* 2945, 2982-2983.

Distribution of doles in St. Faith's parish without excluding Roman Catholic if they do not attend church; doubt as to the practice in other City parishes, *Milman* 3009-3011.

St. Giles, Cripplegate. See *Cripplegate.*

St. Helen's, Bishopsgate. Instance, in the case of the church of St. Helen's, Bishopsgate, of the expediency of a provision for maintenance out of the funds in question, *Milman* 2952, 2957, 2958.

St. Luke's, Middlesex. Illustration, in the case of St. Luke's, Middlesex, of the necessity of the provision in Sub-section B. of Clause 2 of the Private Bill for saving the rights of any parish, part of which is situate without the boundary of the City, *Pearce* 36-43.

Petition by this parish against the Parochial Charities (London) Bill, *Rep.* v.

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Discussion between counsel and the Committee upon the question whether the vested interests in the case of the parish of St. Luke's are sufficiently protected by the saving clause in the Public Bill, *pp.* 13, 14.

Claim submitted on the part of the parish; amendments proposed by counsel for the parish in certain clauses of the Public Bill, *pp.* 236, 237.

Explanations on the part of the Committee, it being submitted that the proposed amendments were not necessary, *p.* 237.

St. Magnus-the-Martyr. Petition on behalf of this parish against each of the Bills before the Committee, *Rep.* iv, v—Representations by counsel for the parish, *p.* 149.

St. Margaret's, Lothbury, and St. Christopher-le-Stock. The parish of St. Margaret comprises the Bank of England and several other important institutions and firms, *Freshfield* 960, 961—Official connection of witness with St. Margaret's parish in 1868, when as churchwarden he became an ex-officio trustee of certain parish property of St. Christopher-le-Stock, *ib.* 962-966.

Information relative to the trust property of St. Christopher-le-Stock, of which witness and his co-churchwarden and the rector are trustees; this property consists of house now producing 500*l.* a year, and of 5,000*l.* New Three per Cents, *Freshfield* 985-1000—Application of the income from certain house property in St. Christopher-le-Stock for the maintenance of the church and services of St. Margaret, Lothbury, the rectory house &c.; particulars hereon as to the attendance at the church and lectures, *ib.* 991-1000—Steps taken by witness in the autumn of 1877 as to the application of the surplus income of St. Christopher-le-Stock; proposal made for benefiting the parish of St. Mark's, Old-street, which is very poor, *ib.* 1000, 1001.

Comment upon a statement by Sir Henry Peck in the House of Commons as to money having been wasted or misapplied in doing up the church of St. Margaret, Lothbury, *Freshfield* 1076—Absence of poor in the parishes of St. Margaret, Lothbury, and St. Christopher-le-Stock, *ib.* 1182-1188.

See also *Mary Barnes' Charity.*

St. Mary, Aldermanbury. Income of 40 *l.* or 50 *l.* derived from a charity poor fund in St. Mary's, Aldermanbury, whilst the parish possesses also some non-charitable property, comprising houses in Aldermanbury and Love-lane, producing from 1,200 *l.* to 1,300 *l.* a year, *Baggallay* 760, 761. 850-859—Expenditure of the income from the parish property in supporting the church, paying the incumbent, the overseers (in diminution of the rates), the vestry clerk, &c., *ib.* 762-769. 773. 798-800. 812-821. 880—Very small number of houses and small population in the parish; tendency to a diminution of the sleeping population, though the day population has increased, *ib.* 770-772. 802-806. 829-835.

Exceedingly economical administration of the funds of the parish; average of about 20 *l.* a year for management expenses during four years when witness was churchwarden from 1860 to 1864, *Baggallay* 773-775. 837-842—Small amount of the total income of the parish which is available for the benefit of the poor; grounds for the conclusion that the parish estates are not in the nature of a charity, and were originally purchased for the benefit of the parishioners at large, *ib.* 781-797. 860-866—Average attendance of ten or twelve members of the vestry when the expenditure of the income is under consideration, *ib.* 807-811. 928-930.

Possible effect of the City Bill that the income would no longer be so largely available for the support of the church, and of the incumbent; witness believes, however, that under either Bill the parish can establish its claim to the property, and its right to deal with it as the vestry may determine, *Baggallay* 815-819. 881 *et seq.*

Large increase in the value of the houses or parish property since first purchased, *Baggallay* 826-828. 856-859—Important improvements in the parish, and large increase of the rateable value, though the sleeping population has diminished, *ib.* 829-836—Inability of witness to explain why the vestry of his parish declined to give evidence before the Royal Commissioners; this was probably due to the Charity fund being so very small, *ib.* 843-849. 954.

Further particulars relative to the property of the parish, the income therefrom, and the application thereof, *Baggallay* 850-880—Witness repeats that the non-charity property belongs to the parishioners or householders, and that the vestry have an undoubted right to deal with as they have done, *ib.* 860-866. 895-911. 931-947.

Information as to Benn's Gift and other small properties which make up 30 *l.* a year or so, applicable for the poor of the parish, *Baggallay* 867-879—Very few objects for charity in the parish, there being only about six poor, *ib.* 892-894. 939—Claim to the application of the income, from the parish property to the relief of the poor, or in reduction of the rates, as by payment to the overseers, *ib.* 940-947.

Willingness of witness to relinquish his position as trustee if it can be shown that the objects of the trust would be benefited under a different administration, *Baggallay* 948-950.

Instance in St. Mary, Aldermanbury, of property applied to ecclesiastical purposes where the original object of the bequest was doubtful, *Pell* 2267. 2341, 2342.

St. Mary, Woolchurch. Income of 480 *l.* a year in the case of St. Mary, Woolchurch, of which parish witness has been vestry clerk for twenty-five years; application of this income for the general benefit of the parish as prescribed by the original trust deed, *Phillips* 1776-1779—Administration of the property efficiently and economically by the rector and five other trustees, there being no surplus, *ib.* 1780, 1781. 1785-1788—There is no scheme regulating this property, *ib.* 1782, 1783.

Whenever new trustees are appointed the draft deeds are submitted to the Charity Commissioners for approval, *Phillips* 1784—The property consists of a house in George-street, Mansion House, now let on lease at 480 *l.* a year, *ib.* 1789-1793.

St. Mary, Woolnoth. Particulars relative to the charities of St. Mary, Woolnoth, as administered by different trustees, the gross income being about 210 *l.* a year, *Phillips* 1794-1807—Applications made to the Charity Commissioners for schemes for two of the funds in this parish, but without effect, *ib.* 1802-1804—Economy with which the several funds in the parish are administered, *ib.* 1808-1811.

St. Mildred's, Bread-street. Questionable appropriation of funds in this parish in making a presentation of plate to churchwardens, *Freshfield* 1639-1642—Doubtful appropriation also in this parish in the expenditure of large sums in breakfasts and dinners, and in aid of poor rates, *ib.* 1643-1646.

Examination as to certain expenditure out of the funds of St. Mildred, Bread-street, in aid of the poor's rates, &c.; question as to misappropriation in this case, *Phillips* 2076-2081.

St. Nicholas Acons. Income of only 5 *l.* 7 *s.* 5 *d.* a year in the case of St. Nicholas, Acons, this being for charitable purposes, and being administered without any expense whatever, *Phillips* 1764-1773—There is no scheme regulating the charities in the parish, *ib.* 1769, 1770—The income in question is well applied, and there is no surplus, *ib.* 1774, 1775.

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St. Nicholas Acons—continued.

Small population of the parish of St. Nicholas Acons, and of St. Edmund the King and Martyr; average attendance at the church in the latter parish, there being no church in the former, *Phillips* 1879-1889.

St. Olave, Jewry. Inability of witness to give explanations in connection with the appropriation of certain funds in the parish of St. Olave, Jewry, *Freshfield* 1633-1638.

Salaries, &c. Grounds for omitting from the City Bill the provision in the Public Bill as to the non-payment of any salary or remuneration to any parish official except in respect of services performed, *Pearce* 54, 55.

Sale of Property. Objection to Clause 35 of the Public Bill, giving a power of sale of charity property, and of investment of the proceeds, *Pearce* 54—Examination in support of the objection to the proposed Commissioners having the power to sell charity property without consulting the governing bodies, *ib.* 602-618.

Sanitary Arrangements. Great importance of attention to sanitary matters, as in the parish of St. George's-in-the-East, *Pell* 2389.

Sarah Dove's Charity. Misapplication in the case of Sarah Dove's Charity if money left for poor widows is carried to the amalgamated fund, *Freshfield* 1559-1565.

SCHEMES:

Explanatory statement relative to the separate action of the trustees of the charities before the Royal Commission, and the extent to which schemes were applied for and were obtained, either through the Court of Chancery or the Charity Commissioners; total of 40,000 *l.* a year dealt with by these schemes, *Pearce* 9-21—Reference to the Report of the Royal Commissioners as showing the several schemes applied for; suspension of further operations pending legislation on the subject, *ib.* 10-20.

Effect of a clause in the Public Bill, that the action of the trustees of the charities over a series of years may be set aside, *Pearce* 10-13—Explanation as regards clause 16 of the City Bill, and the term of fifty years proposed therein, that the trustees would be prepared to accept a shorter term, *ib.* 210, 211, 221—Frequency of schemes supposed to originate from the Charity Commissioners or the Court of Chancery which really emanate from an active body of trustees who have not a majority upon their trust, *ib.* 344-349.

Expediency of the maintenance of existing schemes where they are good, this being contemplated in the Report of the Royal Commission, *Freshfield* 1756, 1757—Approval of the clause in the Private Bill rather than of that in the Public Bill with respect to saving existing schemes, *Phillips* 1867.

Statement as to the difficulty in the way of new schemes through the initiative vesting with the local trustees; this does not apply to charities under 50 *l.*, *Sir S. Fitzgerald* 2434-2437, 2465-2472—Unwillingness of the trustees to make application to the Charity Commissioners in those cases chiefly where reform is most needed; illustration to this effect, *ib.* 2468-2470—Grounds for the impression that there has been a reluctance rather than a willingness on the part of the City charities to promote schemes before the Commissioners, *ib.* 2500-2508.

Explanation that witness contemplates the framing of schemes by the Charity Commissioners, with separate bodies of trustees to administer such schemes, charities being united and areas being extended, so as to form important trusts, *Sir S. Fitzgerald* 2585-2588, 2594-2602, 2614-2623.

Reluctance of the Commissioners to frame any scheme for charities in the City whilst legislation is pending on the subject generally, *Sir S. Fitzgerald* 2631—Total of twenty-eight or twenty-nine schemes sanctioned by the Commissioners for City Charities; doubt as to the number of applications refused, *ib.* 2667-2671.

Inadequate powers of the Charity Commissioners for dealing with an aggregate of parishes in the City as regards the framing of schemes; difficulty especially where a charity is over 50 *l.* a year, *Longley* 2715-2721—Several applications in late years from City parishes to the Commissioners for schemes; refusal to take action in view of legislation on the subject, *ib.* 2722-2724—Difficulty in calculating the time required for the completion of inquiries and of schemes; probable sufficiency of from three to five years, *ib.* 2773-2775, 2791-2795.

Objection to the proposal in the Public Bill as to the Committee of Council on Education being empowered to approve schemes; preference for a body like the Universities Committee of the Privy Council, *Longley* 2806-2812, 2893-2899—Further justification of the action of the Charity Commissioners in declining at present to give facilities to new schemes, *ib.* 2852—Respects in which preferable to go to a Committee of the Privy Council, rather than to the High Court of Justice, as proposed by the Private Bill, for the confirming of schemes, *ib.* 2915-2925.

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School Board of London. Explanation with reference to the non-compliance of the trustees of certain charities with the request of the School Board for certain information, *Pearce* 168-171. 214, 215—Reason further assigned for the trustees not responding to the invitation of the London School Board asking for information; the fullest information was given to the Royal Commissioners, *ib.* 734-737.

Schools, Inspection of. Expediency of a power in the Charity Commissioners to carry out an inspection of Schools under the schemes framed by them, *Sir S. Fitzgerald*, 2592, 2593.

Separate Trusts. Obstacle to any reform of City charities if the numerous administrative bodies now existing are to be maintained, *Longley* 2780—Diminution of expense by diminishing the number of separate bodies of trustees, *ib.* 2781.

See also Management and Administration.

Sion College. Inaccuracy of a report prepared by the committee of Sion College to the effect that the *ex officio* trustees of many of the charities had been ignored in the preparation of the London Parochial Charities Bill, and that a considerable number of parishes were totally unrepresented, *Pearce* 151, 152. 207-210.

Approval of the proposed election of one of the new governing body by the Fellows of Sion College, *Longley* 2901.

Great interest taken by the College for several years past in the question of the City charities; conclusion arrived at that a clear distinction should be made between the ecclesiastical and charitable funds, the latter being spread over the metropolitan area, *Milman* 2930, 2931—Careful discussion by Sion College of the Public Bill as promoted in 1881; important modifications since introduced, so that on the whole the Bill is now acceptable to the College, which has petitioned in its favour, *ib.* 2931-2935.

Explanation that Sion College embraces not only the whole of the City clergy, but the clergy of some adjoining outside parishes to the north and east of the City, *Milman* 2964, 2965. 2991-3002—Very large majority of the Fellows of the College in favour of the petition presented in support of the Public Bill; witness has not been delegated to represent the College, but his views are those of the majority, *ib.* 2966. 2991-3005.

Total of nearly two-thirds of the fellows or members who represent parishes outside the City, *Milman* 3024-3026—Explanation as to there having been three petitions from Sion College, or some of the fellows, in reference to the Public Bill, *ib.* 3027-3029.

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Small Charities. Benefit anticipated from a consolidation of the smaller, but not of the larger, charities; more useful application of the income thereby, *Phillips* 2014-2026.

Strong, E. C. Explanation as to witness' authority for stating, in a circular of 5th January 1882, that Mr. E. C. Strong, vestry clerk of St. Albans, Wood-street, represented the trustees of his parish in approving the Private Bill, *Pearce* 459-465.

Subscriptions by Parishes (Private Bill). *See Parliamentary Expenses.*

Surplus Income. Explanation in connection with Clause 12, that the City Bill affects only so much of the income of the charity property as is surplus, *Pearce* 44—Prospect of more than a fourth of the entire funds under the Bill being available as surplus for the metropolis generally, *Freshfield* 1254, 1255—Doubt as to there being much difference in the amount of the relative surplus under the two Bills before the Committee, *ib.* 1647-1654.

Consideration of the financial effect of the Private Bill and of the Public Bill, respectively, as regards the surplus of the charities, *Phillips* 2108-2126—Grounds for expecting a much larger surplus under the system of administration proposed by the Public Bill than under that proposed by the Private Bill, *Pell* 2161—Opinion that the surplus to be applied over the metropolitan area should be the larger portion of the charity revenues, the population of the City being so small, *ib.* 2196-2198.

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T.

Title (Charity Lands). Frequent difficulty as to title before the vesting of charity land in the official trustee, *Longley* 2699. 2709.

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TRUSTEES OF CHARITIES (CHURCHWARDENS AND OTHERS):

Representation by witness of the views of the great bulk of the trustees of the City charities; he is secretary to the executive committee, by whom the City Bill is promoted, *Pearce* 1, 2. 64-70—Belief that the variations in the Private Bill, as compared with the Public

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TRUSTEES OF CHARITIES (CHURCHWARDENS AND OTHERS)—continued.

Public Bill, represent the views of the City trustees, *Pearce* 33 — Anxiety of the City trustees, as possessing local knowledge, to be fairly represented on the Temporary Commission, *ib.* 34.

Decided objection to Clause 16 of the Public Bill, as under it the Commissioners might turn out all the existing bodies of trustees, *Pearce* 48 — Zealous and efficient management of the charity property by the City trustees, witness submitting that they should be largely represented in the new governing body, *ib.* 56 — View of the City trustees that the fact of being a trustee of a parochial charity should be a sufficient qualification for serving upon the new governing body, *ib.* — Explanation that with one or two exceptions the present trustees live out of the City, *ib.*

Grounds for the statement that witness represents eighty-six parishes in his support of the City Bill, though he cannot say that the majority of the trustees in each of the parishes chiefly interested have expressly consented to the Bill, *Pearce* 75-96. 124-134.

50-154. — Inference to be drawn from the fact that the trustees, as the representatives of the parishes at the meetings which have been held, have provided subscriptions in aid of the Bill, *ib.* 88-101.

Explanation that witness first took an interest in City charities in the year 1872, and that his partner, Mr. Baylis, has also taken an active part in the matter, schemes having been promoted by them jointly, *Pearce* 235-258 — Grounds for the statement that the City trustees have been active in initiating schemes, and in reforming the charities themselves, *ib.* 332-349.

Examination in detail with reference to the grounds upon which witness assumed he was justified in putting down the names of certain trustees and parishes as approving of the City Bill, *Pearce* 432 *et seq.* — Consideration of witness' authority for assuming that he represents the parishes which have not come forward with subscriptions; returns received from thirty-three parishes supplying information in aid of the City Bill, *ib.* 504-519.

Different classes of persons to which the City trustees belong, some being gentlemen retired from business; personal interest taken by the trustees in the condition of the recipients of the funds, *Pearce* 637-661 — Further statement as to witness representing eighty-six parishes that have consented to the City Bill, as well as 80 per cent. of the income of the charities, *ib.* 726-733.

Active part taken by witness, as a trustee, in the promotion of the Private or City Bill; invitation sent to each parish to be represented by a trustee, the scheme for the Bill having been prepared by an executive committee of the trustees, *Baggallay* 776, 777.

Explanation in connection with a memorial to the Home Secretary prior to the appointment of the Royal Commission, showing that witness and other trustees of City charities were desirous of obtaining increased powers with a view to an improved application of the funds, *Freshfield* 1002-1010 — Meeting of the churchwardens of several parishes in July 1878, and resolutions then adopted as to the steps to be taken by the trustees in view of the proposed Royal Commission, *ib.* 1010-1012 — Particulars relative to various subsequent meetings of the churchwardens and the action taken thereat in reference not only to the Royal Commission but to the Parochial Charities Bill of 1881, *ib.* 1013-1034.

Statement explanatory of the eventual action of the churchwardens in preparing a scheme of their own, and in promoting an independent Bill in opposition to the Bill introduced by Professor Bryce, *Freshfield* 1035-1069 — Attendance of trustees and churchwardens at meetings subsequently to 16th June 1881; report of the sub-committee as to the action to be taken, and as to the scheme and Bill to be supported, *ib.* 1052-1054.

Examination relative to the number of parishes represented at meetings which have approved of the scheme embodied in the City Bill; consideration more especially of the grounds for assuming that those present were duly authorised as representatives of their parishes, *Freshfield* 1140-1181 — Limitation of the meeting of 29th April to churchwardens, though some vestry clerks may have been present without witness' knowledge, *ib.* 1337-1342.

Resolutions adopted at the meeting of 29th April adverse to the Bill of Professor Bryce; general feeling, however, among churchwardens and trustees that some action was necessary in the matter, *Freshfield* 1343-1351.

Several different bodies of trustees in the four parishes represented by witness, witness counting the rector and churchwardens as trustees, *Phillips* 1916-1921.

Statement upon the question of the present administrators of City charities being desirous of applying for new schemes, *Longley* 2722-2724. 2796-2805 — Impediment at times on the part of trustees in the City to the action of the Charity Commissioners; delay in rendering accounts, *ib.* 2758. 2876, 2877 — Conclusion as to the present trustees not being fairly representative of the City ratepayers, *ib.* 2777-2779.

List of vestry clerks and others promoting the City Bill, *App.* 246-248.

See also *Clergy. Governing Body. London Parochial Charities Bill. Management and Administration. Misapplication of Funds. Schemes.*

U.

Uniformity of Management. Expediency of one new governing body for all the charities in the area dealt with, so that the same principles may be applied throughout, *Pel* 2158. 2350-2352. 2386.

See also *Governing Body. Management and Administration.*

Union of Benefices. Exception taken to the scheme for facilitating the union of City benefices, *Phillips* 1952-1954.

Strong approval of the movement for largely reducing the number of benefices in the City, and for taking down the churches which are absolutely disused, *Milman* 2950.

V.

Vested Interests (Vestry Clerks and others). Grounds for approving the provisions in Clause 7 of the City Bill as regards vested interests and equitable claims; exception taken to the definition in the Public Bill on this point, *Pearce* 35—Claim to compensation in the case of vestry clerks who, when acting as clerks to the charities, prepare the leases at the expense of the tenants, *ib.* 135, 136.

Serious misfortune to some of the managers of the charities if the money were sunk or distributed without due regard to vested interests, *Pearce* 264-267—Statement as to the vestry clerks' salaries not being paid by the charities at all, *ib.* 310, 311—Wide interpretation given to the term "vested interest;" that is, in connection with the question of compensation, *ib.* 544-554.

Unfairness in vested interests, as in witness' case, not being duly considered, *Phillips* 1868—Evidence in explanation and support of witness' objection to the clause in the Public Bill dealing with vested interests, *ib.* 2002-2013.

See also *Compensation. Management and Administration. Trustees of Charities.*

Vestry Meetings. Varying attendance at the vestry meetings in the parishes represented by witness; instance of only five persons present at a meeting, *Phillips* 1991-1993—Statement to the effect that the attendance at vestry meetings in the parishes generally where there are trust funds is, as a rule, very scanty, *Milman* 2946-2948.

See also *London Parochial Charities Bill.*

W.

Working Classes. Increasing proportion of persons working in the City in the day time, *Freshfield* 1405-1407.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

PARTNERSHIPS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, to be Printed,
23 May 1882.

[Monday, 27th March 1882]:—PARTNERSHIPS BILL considered in Committee, and reported; *re-committed* to a Select Committee.

Ordered, THAT the Report from the Select Committee on Trade Partnerships of 1872 be referred to the said Committee.

Committee nominated—[Monday, 3rd April 1882]—of—

Mr. Lewis Fry.	Mr. Shaw.
Mr. Salt.	Mr. Ecroyd.
Mr. Courtney.	Mr. Norwood.
Mr. Whitley.	Mr. Knowles.
Mr. Eustace Smith.	Mr. Rylands.
Mr. Molloy.	Mr. Compton Lawrance.
Lord Algernon Percy.	Mr. Monk.
Mr Baxter.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[Tuesday, 11th May 1882]:—THAT it be an instruction to the Select Committee on Partnerships Bill that they have power to extend the Bill to Scotland.

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R E P O R T.

THE SELECT COMMITTEE to whom the LAW OF PARTNERSHIPS was referred ;—HAVE considered the said Bill, and taken Evidence thereon, which they have agreed to report to the House ; and have gone through the Bill, and made Amendments thereunto.

23 May 1882.

PROCEEDINGS OF THE COMMITTEE.

Monday, 24th April 1882.

MEMBERS PRESENT :

Mr. Monk.
Lord Algernon Percy.
Mr. Eustace Smith.
Mr. Baxter.
Mr. Courtney.

Mr. Rylands.
Mr. Whitley.
Mr. Shaw.
Mr. Knowles.

Mr. MONK was called to the Chair.

The Committee deliberated

[Adjourned till Tuesday, 2nd of May, at Twelve o'clock.]

Tuesday, 2nd May 1882.

MEMBERS PRESENT :

Mr. MONK in the Chair.

Mr. Salt.
Mr. Knowles.
Mr. Eustace Smith.
Mr. Ecroyd.
Mr. Baxter.
Mr. Lewis Fry.

Mr. Rylands.
Mr. Courtney.
Mr. Whitley.
Mr. Compton Lawrance.
Lord Algernon Percy.
Mr. Shaw.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 9th May, 1882.

MEMBERS PRESENT :

Mr. MONK in the Chair.

Mr. Courtney.
Mr. Eustace Smith.
Mr. Knowles.
Mr. Lewis Fry.
Mr. Baxter.

Mr. Ecroyd.
Mr. Norwood.
Mr. Salt.
Mr. Rylands.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 16th May 1882.

MEMBERS PRESENT :

Mr. MONK in the Chair.

Mr. Eustace Smith.
Mr. Shaw.
Mr. Lewis Fry.
Lord Algernon Percy.
Mr. Ecroyd.
Mr. Knowles.

Mr. Baxter.
Mr. Salt.
Mr. Courtney.
Mr. Whitley.
Mr. Rylands.
Mr. Norwood.

Mr. Hyde Clarke, Mr. J. Crosby Brown, Mr. Edward A. Strong, and Mr. L. J. Knowles, were examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 23rd May 1882.

MEMBERS PRESENT :

Mr. MONK in the Chair.

Mr. Whitley.
Mr. Rylands.
Mr. Ecroyd.
Mr. Eustace Smith.
Mr. Lewis Fry.
Mr. Salt.

Mr. Knowles.
Lord Algernon Percy.
Mr. Molloy.
Mr. Courtney.
Mr. Norwood.

Motion made, and Question put, "That it is undesirable to proceed with the clauses in Part IV. of the Bill"—(Mr. Rylands).—The Committee divided :

Ayes, 7.

Mr. Salt.
Mr. Whitley.
Mr. Eustace Smith.
Lord Algernon Percy.
Mr. Ecroyd.
Mr. Knowles.
Mr. Rylands.

Noes, 4.

Mr. Lewis Fry.
Mr. Courtney.
Mr. Molloy.
Mr. Baxter.

Motion made, and Question put, "That it is undesirable to proceed with the clauses in Part V. of the Bill"—(Mr. Rylands).—The Committee divided :

Ayes, 7.

Mr. Salt.
Mr. Whitley.
Mr. Eustace Smith.
Lord Algernon Percy.
Mr. Ecroyd.
Mr. Knowles.
Mr. Rylands.

Noes, 4.

Mr. Lewis Fry.
Mr. Courtney.
Mr. Molloy.
Mr. Baxter.

Clause 1, *agreed to.*

Clause 2, amended, and *agreed to.*

Clause 3, *agreed to.*

Clauses 4—5, amended, and *agreed to.*

Clauses 6—14, *agreed to.*

Clauses 15—16, amended, and *agreed to.*

Clause 17, *agreed to.*

Clause 18, amended, and *agreed to*.

Clause 19, *postponed*.

Clause 20, amended, and *agreed to*.

Clause 21, *agreed to*.

Clauses 22—23, amended, and *agreed to*.

Clauses 24—30, *agreed to*.

Clause 31, amended, and *agreed to*.

Clause 32, *agreed to*.

Clause 33, amended, and *agreed to*.

Clause 34, *agreed to*.

Clause 35, amended, and *agreed to*.

Clauses 36—52, *agreed to*.

Clause 53, amended, and *agreed to*.

Clauses 54—64, *agreed to*.

Clauses 65—95, *disagreed to*.

Clause 96, *agreed to*.

Postponed Clause 19, *disagreed to*.

A new Clause *added*.

First Schedule *agreed to*.

Second Schedule *disagreed to*.

Ordered, To Report the Bill, as amended, to the House, together with the Minutes of Evidence.

EXPENSES.

	Profession or Condition.	From whence Summoned.	Number of Days in Attendance on Committee.	TOTAL Expenses.
Mr. Frederick Pollock	Barrister	Mr. Pollock was the Draftsman of the Bill, and this payment was specially authorised by the Treasury.	2	£. s. d. 6 6 -

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

Tuesday, 16th May 1882.

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MINUTES OF EVIDENCE.

Tuesday, 16th May 1882.

MEMBERS PRESENT :

Mr. Baxter.
Mr. Courtney.
Mr. Ecroyd.
Mr. Lewis Fry.
Mr. Knowles.
Mr. Charles James Monk.
Mr. Norwood.

Lord Algernon Percy.
Mr. Rylands.
Mr. Salt.
Mr. Shaw.
Mr. Eustace Smith.
Mr. Whitley.

CHARLES JAMES MONK, Esq., IN THE CHAIR.

Mr. HYDE CLARKE, called in ; and Examined.

Chairman.

1. ARE you Secretary of the Council of Foreign Bondholders?—I am, and have been since 1868.

2. Have you been a constant writer on subjects of industrial political economy?—I have, for many years.

3. And I think you have given evidence frequently before Committees of this House?—Not frequently. I have given evidence as Deputy Chairman of Tribunals of Commerce in London before the Committee on that subject.

4. When did that Committee sit?—It was some years ago. I do not remember the year.

5. Have you any acquaintance with the working of *sociétés en commandite* in various countries?—I have seen it in work in various parts of the world.

6. Have you seen it in France and Belgium?—Yes. In 1828 I saw the rise of the factory system in competition with the English in the north of France and in Belgium. In 1832-4 I was at Lille, at Roubaix, and Tourcoing. I resided in Belgium chiefly till 1836.

7. Do you consider that the system of limited partnerships induces capitalists to employ capital in commercial enterprise which would not otherwise be so employed?—That was my conviction, certainly, at that time, and it has been confirmed since. I saw large factories, especially in those towns, conducted and managed by Englishmen, men generally without capital, who were supplied with capital by the French, the Dutch, and the Belgians.

8. You think they could not have carried on their operations without that borrowed capital?—Certainly not; on the other hand, at that

Chairman—continued.

period, before the Revolution of 1830, there was such depression in France and such want of enterprise, that it was only in that mode that the capital could have been obtained.

9. Will you explain generally to the Committee how the system works in France and Belgium?—I have not prepared myself by going over the law.

10. You have seen this Bill?—I have seen the Bill; but I have not been over the French law to state the technicalities. The general course, however, is some one coming in as a dormant partner, which at the period I am speaking of was totally impossible in England, while all kinds of restrictions were placed on the constitution of what were known as *sociétés anonymes* on the Continent, and joint stock companies here. The Bubble Act had been repealed in 1824; but the restrictions were still very great, and although they have been removed to some extent, it has been in a grudging spirit, and so far as I have seen, we are not yet entirely free, and able to compete with the Continent in these matters.

11. Is it not a fact that the system of partnerships *en commandite* has been known on the Continent for centuries?—Yes.

12. Was it not regulated by an Ordinance of Louis XIV. in 1673?—I am not aware of the exact date, but I know it was one of the subjects included in that legislation, and I came across it in the Levant.

13. Have you seen the operation of the *commandite* system in the east?—Yes.

14. At what period?—I was resident in Turkey

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Mr. CLARKE.

[Continued.]

Chairman—continued.

key from 1859 to 1866. The Committee are aware that the law of every country in Europe is administered there, so far as the subjects of each nationality are concerned; as a consequence, the law under the Code Napoleon, which is administered in foreign countries of Europe, was in full operation, and many of the mercantile houses, and of the factories in various parts of the east were constituted either *en commandite* or as *sociétés anonymes*. On the principles of that legislation, I have known even an Englishman taking part in a foreign partnership.

15. Under the law of the country?—Yes.

16. But, practically, did you find that the foreign houses were competing with the English houses under the *commandite* system?—Yes.

17. And with what result; a considerable advantage to them?—Certainly; I must not be understood to say that it would be a necessary result that a partnership *en commandite* would beat a private partnership conducted by energetic men. I would refer to what I have seen with regard to South America, with which I have had a very long connection. There I find that many of the foreign houses who compete with the English are started *en commandite*.

18. And that system, you think, promotes the employment of capital in industrial and commercial adventures?—It does two things; first of all, it brings in capital, and in the next place it enables enterprising young men to get capital.

19. In your opinion is this country labouring under a disadvantage, compared with foreign countries, from the non-adoption of the *commandite* system?—Most certainly.

20. I think you said you had read Part 4 of this Bill?—Yes.

21. Do you approve of the manner in which it is drafted; do you think it well calculated to carry out the object of the *commandite* system?—I think so. There is, however, one part which seems to be rather severe; there are certain restrictions on the *commanditaire* which are perhaps not so necessary.

22. Do you mean with regard to the *commanditaire* taking a part in the management of the firm?—Yes.

23. Do you think it is not desirable that he should be restricted from taking part in the management of the partnership?—I think on two grounds it is questionable. In looking at this question, to a great extent, from an economical point of view rather than from a legal point of view, it is of course to the public interest that the greatest amount of capital should be applied to the purposes of industry and commerce, and in that respect the application of capital should certainly be favoured. So far as the individual is concerned, you must bear in mind that the *commanditaire* is generally a person of experience and advanced in life. You may safely leave him to take his own course, it seems to me, provided every security is taken that the capital he has placed remains in the firm under the conditions which are laid down in the Bill.

24. I should be glad to know whether you agree in the following definition of partnership *en commandite*—"the conjunction of at least one managing partner with unlimited liability, with one or more contributing partners, who do not

Chairman—continued.

take an active part in the business, and are liable only for the amount contributed to its capital?" do you consider that a fair definition of partnership *en commandite*?—As it generally exists, but it is the latter limb of it which, it appears to me, is unnecessary. It has been put there in the supposed interest of the creditor and of the public, but it appears to me that in practice it is not necessary.

25. Does the system exist in that manner in France and in Belgium?—It does.

26. Do you think the system is thoroughly understood in this country?—Certainly not.

27. Then you agree that the *commanditaire*, who puts a certain sum in the concern, should be answerable to the extent of that sum?—Certainly.

28. Do you think that, if he takes a part in the management of a firm, he ought not to become, by the operation of the Act, an absolute partner? would you limit that?—I think, looking at it as I have, in regard to the advantage of the public and of the creditor, a partnership *en commandite*, or a *société anonyme* should have a certain positive capital contributed. In a private partnership, under any system, you never really knew what capital has been contributed. Under any system of registration, in any country, it is a great advantage to the creditor to know that a certain amount of capital has been contributed to a firm. The liability of a man in consequence of his being a partner is, if I may use the term, rather a legal attribute which has been attached. In the case of a *société anonyme*, if a man takes a part in the management he acquires no liability thereby.

29. Do you think there is a strong demand in this country for what may be called a well-defined limited partnership?—I am afraid, so far as I have seen, after many years' share in agitation on the subject, the public do not so fully see the advantages to be obtained.

30. You think the public do not thoroughly understand the system as it is in operation on the Continent?—I think they do not see the results affecting themselves from the competition throughout the world; not on the Continent merely, but all over the world, including the United States.

31. Have you any practical knowledge of the Act of 1865, known as Bovill's Act?—I have had some knowledge of it; I have found it has acted exceedingly advantageously in many respects.

32. Under that Act I think loans are not registered?—I am not aware.

33. Do you think any advantage would arise from the registration which would be necessary if the limited partnerships were established?—Yes; I think there is an advantage, and I am not aware of any disadvantage.

34. You think it would be a great disadvantage to the public if loans were made under the system of limited partnership, and could be withdrawn without the knowledge of the public?—Certainly.

35. Of course they might be withdrawn if there were no registration?—Yes.

Mr. Eustace Smith.

36. Does your experience lead you to think that the great thing which English commerce has

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MR. CLARKE.

[Continued.]

Mr. Eustace Smith—continued.

has suffered from has been a want of capital?—Certainly not in that respect.

37. You do not think that English trade and commerce have been impeded in their progress by the difficulty of obtaining capital to invest in industrial enterprise?—I think they have, to a certain extent.

38. You think it would be an advantage if more capital could be brought into the business than is now brought?—I do.

39. Do you think that this Bill, as it is proposed, would have a much greater effect than the Bill to which your attention has been called, Bovill's Act of 1865, by which persons could lend money, carrying rates of interest according to the profit?—I am not in a position to institute a comparison, because I do not remember the details of Mr. Bovill's Bill.

40. I believe it is simply that you can lend money to a firm, and receive a rate of interest varying according to circumstances, without thereby becoming a partner?—Yes.

41. That being the case at the present time, do you think that a proposal, such as is contained in this Bill, would lead to a large influx of capital into business?—I believe it would.

42. What makes you think so?—If you look at another series of operations, the investment of money in all kinds of joint-stock enterprises, where a man can invest his money without acquiring any personal liability, it has always appeared to me, from experience in this country and in others, that such fear of incurring personal liability prevents men from engaging their capital wherever there is that danger.

43. But under Bovill's Bill he does not become an unlimited partner, not a partner at all, therefore why should he be induced by this Bill if he was not induced by that?—It is very difficult, of course, to answer an hypothesis or to become a prophet. It appears to me that in matters of this kind it is safest to follow general experience. Bovill's Bill introduced a particular process, whereas the process to which the Bill refers is one constituted on the general experience of the world, which is known to commercial men and to many others.

44. I may take it as your opinion that it would lead to a considerable increase in the amount of capital engaged in industrial enterprise in this country if facilities were given for contributing partnerships *en commandite*?—I believe so, but I believe it would practically act in this way, not so much in this country as in the case of young men established abroad, where a man might safely place his capital.

45. Have you any acquaintance with the American system; do you know anything of the way in which partnerships are conducted there?—Yes; I had a long connection with the States, and that was one circumstance which influenced my views many years ago, seeing that at an early period in this century some of the New England States had provided a freer system of application of capital in association than we had here.

46. You know that in America there is no system of registration?—I should not like to answer that question, because among so many

O.111.

Mr. Eustace Smith—continued.

States I know that a great deal of variation takes place.

47. Would it be possible to work this *commandite* system without a Government system of registration of partners?—There would naturally be a considerable risk about it; but considering that the registration has been worked for many years in France and in other countries, one would naturally be disposed to look to the application of such a system here.

48. And you think it would be a desirable thing that the State should undertake to find out for men of business what they, by exercising caution, might find out for themselves without the intervention of the State?—I do not look upon it as the State in that respect, or as any State interference; I simply think that you want a system of registration.

49. Established by the State?—Not necessarily by the State. If you had tribunals of commerce in this country you could register in the tribunals of commerce of each commercial district; not having them, you would naturally register in some public department connected with the State.

Mr. Salt.

50. I suppose you are acquainted with the Companies Act, 1862?—Yes.

51. The Limited Liability Act?—Yes.

52. In those countries of which you have spoken, where the system of *commandite* prevails, is there any system corresponding to our Limited Liability Act?—Yes, always; the two work together, side by side.

53. Do you know anything of the details of the system of registration of *commandite* partnerships in France?—I should not like to answer the question. I have seen it; it came under my notice in practice abroad, but I should not like to answer off-hand upon it.

54. Practically there were full and convenient facilities for ascertaining the character of such partnerships?—Certainly. Merchants here can obtain such facilities with regard to firms abroad. I have known such information obtained as to the amount of capital of a *société en commandite*.

55. Am I to gather that this is your opinion with regard to *commandite* partnerships, that their existence creates a facility and a power for carrying on commerce which gives to countries using it an advantageous competition with respect to ourselves?—It is necessary to be careful in the matter. There is no doubt that the system of private partnership generally has given us all that we are supposed to require for our purpose. Since the peace of 1815 we have been progressively subjected to a very serious competition all over the world; and that competition, as I have endeavoured to put it, has been very much fostered by the system of *sociétés anonymes* and *sociétés en commandites*; but the question in my mind is, whether in the various parts of the world, not so much in this country, we can compete with our rivals without giving our people the same facilities. My opinion is that our people should be as free to obtain capital as others, and that we should not rely too much upon the great advantages which we have in the money market.

Generally

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Mr. CLARKE.

[Continued.]

Mr. Enstace Smith—continued.

Generally speaking, we can obtain capital in this country cheaper than in most other countries.

Mr. Lewis Fry.

56. Let me ask you whether the *sociétés en commandite* are distinguished by any distinctive appellation in the countries to which you have referred, France and Belgium. Is there anything equivalent to our word "limited"?—It is perfectly understood by the commercial world what the constitution of these partnerships is.

57. In the ordinary transactions of the firm do they use any distinctive appellation?—Yes; it is generally called *société en commandite*, and when a partnership is formed it is stated in the circular that it is *en commandite*.

58. Do you think that such a distinctive appellation should be made obligatory in case of the introduction of this kind of partnership in this country?—I do not attach very much importance to any of these restrictions.

59. Do you think that the public, dealing with a firm limited in this way, should have full notice that it is so limited?—I have never held that opinion; I think the public are able to protect themselves; in that respect they find out or endeavour to find out what a firm possesses. As I said just now in the case of a firm not *en commandite* or not being an associated company, they have no real means of ascertaining what capital has been applied. It is an advantage where capital is contributed in any fixed way. I think it is desirable that there should be legal restrictions as to any man so contributing capital removing it; otherwise, of course, we should have a father starting his sons with a certain amount of capital; that would go forth in the commercial world, and it would be withdrawn directly.

60. What notice would the public have if they were dealing with a limited firm, not an ordinary firm?—I think that matter is perfectly indifferent, because it is more to their advantage to deal with a limited firm than with an unlimited firm.

61. The name of the firm might be stated in the name of one of the dormant partners, the *commanditaire*?—Yes.

62. Who would be only liable to a very limited extent?—Yes.

63. Whereas the public might be led to suppose that he was liable indefinitely?—I have never myself believed in the advantages of unlimited liabilities; I believe the disadvantages, as in banking, are far greater than the assumed advantages.

64. I presume you are aware generally of the fact of the Act of 1865 that has been referred to?—With regard to some contributions of capital, so far as I am aware, it has come into operation; but I have not had the opportunity of finding it in large operation; it has come into useful operation in some cases that I have known.

65. You consider that there is an essential difference between an arrangement under that Act and a partnership *en commandite*?—Yes.

66. Under that Act, I believe a person advancing capital as a dormant partner remains a creditor, with this proviso, that his debt cannot be paid in case of bankruptcy until after the other creditors are satisfied?—I have already stated that I am not at the moment conversant

Mr. Lewis Fry—continued.

with the details of the Act, and it would be injudicious for me to give an opinion in reference to it.

Mr. Ecroyd.

67. You have told us that you have had some knowledge of commercial affairs in foreign countries, such as France, Belgium, Turkey, and South America, and that you have observed the good effect of the system existing in those countries, or some of them?—I have.

68. And that good effect was the invitation of more capital into commercial and manufacturing enterprise?—Yes.

69. Are you not aware that the condition of countries which want capital, and desire to invite it for commercial and manufacturing enterprise, is absolutely the reverse of the condition of things in this country?—Certainly; I have referred to that.

70. It might be stated that the difficulty in this country in commercial and manufacturing enterprise is not so much to obtain capital as to secure responsible management, and that capital tends to flow in excess into such enterprises in this country?—It must, naturally.

71. Then this would bring still more?—I have already endeavoured to give a definition of some of the courses in which capital would flow under this Bill; for instance, in undertakings which are carried on by English firms abroad.

72. Is it not the fact that English firms abroad can already avail themselves of the opportunity of entering into partnerships *en commandite* in those countries?—That depends entirely upon circumstances. In some cases the English law is administered; they come under English law, for instance, in Turkey, in China, and in Japan, while the firms with which they compete, American, French, or otherwise, come under the other legislation.

73. That may be so in some countries, but in France, Belgium, and South America is it not the fact that many men engaged in business in England are also partners *en commandite* in mercantile concerns in those countries?—Yes, I stated that; I have seen it.

74. So far as that goes, no further advantage could come from the introduction of the system in England as an internal system?—My opinion is that there would be a very great advantage; at the same time, speaking practically, to a certain extent, if you can apply private enterprise under its best conditions it will, as a matter of course, beat out any other form of enterprise.

75. Is it not a continual complaint in all centres of our great industries that capital tends to force itself too much into manufacturing and commercial enterprise in this country, so as to render the whole business often for years unprofitable?—It is so all over the world.

76. But this would aggravate that state of things by introducing more capital, capital unaccompanied by the overwhelming responsibility which attaches to those whose all is at stake?—I do not know that necessarily, because I think the persons contributing capital would rather seek out some new branch of enterprise than engage in competition with those already in business

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Mr. CLARKE.

[Continued.]

Mr. *Ecroyd*—continued.

ness under more favourable circumstances ; that would cure itself.

77. Your view is that it would rather produce a good effect by developing entirely new industries?—Certainly.

78. And new commerce?—Yes.

79. In what way do you think the introduction of partnerships *en commandite* would give a power of discovering and developing new forms of industry and enterprise greater than is possessed already by private firms?—I do not think it would ; I think it has no relation to such a position.

80. You have told us that you think English commerce and manufactures are at a disadvantage under the system of unlimited private partnership in competition with the commerce and manufactures of those countries that allow partnerships *en commandite*?—Certainly.

81. Are you aware that the countries you have mentioned, such as France and Belgium, are obliged at the present day to defend themselves by protective duties against competition with English private firms, in spite of their enjoyment of the superior advantages to which you point?—I do not think that has anything to do with the matter. With deference to the Committee, I think we are very often apt, by looking at the questions of free trade and fair trade, to set aside a very important practical question like this which is before the Committee. I hope it will not be understood that in supporting what is proposed by this Bill, I look upon it as creating a revolution in trade.

82. I am not speaking of it in that sense ; I am simply speaking of the actual fact, that although you told us that English competition is at a disadvantage in consequence of not possessing this particular facility, yet the foreign countries who do possess it, and have possessed it all along in the conduct of manufactures and commerce, find it necessary, notwithstanding, to defend themselves against us by protective tariffs?—I see no necessary connection between the premises and the conclusion ; I should attribute it rather to the superiority of Englishmen generally as commercial men.

83. I do not gather that you have had much experience in connection with manufactures, or in the conduct of productive industries in England?—No ; I referred to the fact of my seeing factories established over the north of France and Belgium at the beginning of that system of competition. Those factories were, in most cases, established by Englishmen, backed up by foreign capital. I have seen similar factories established in other parts of the world.

84. You think that this has been a powerful and useful agency in attracting new capital to countries destitute of it?—Yes.

85. But that is exactly an opposite condition to the state of things in England. Could you give the Committee your opinion as to what would be the effect upon the relations between employers and workmen of the introduction of a less personal element into the proprietorship of industrial concerns?—That opens a very wide question ; and it appears to me it is to be solved not only generally, but by those particular cases of Englishmen who are engaged in such enterprises abroad. I recollect, for instance, when the

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Mr. *Ecroyd*—continued.

Holdens began their operations in the north of France. I do not know that the personal relations are more affected than they are under any factory system. Wherever you have a large body of men under you, of course you have not the same feeling of individual interest as where you have a small body of men ; that I know by experience.

86. Is it not a fact that employers, working with their own capital and under a sense of complete responsibility, everything that they have in the world being at stake, and under a feeling of the continuity of a business of that kind, have generally been more successful in their relations with their workpeople than limited companies?—Certainly they have been more successful than limited companies ; but, on the other hand, a case has been already stated of unlimited partners in a partnership *en commandite* having just the same motives as if the whole of the partners were unlimited ; and we find it a fact that many leading men in countries where the system *en commandite* prevails have acquired high positions and large fortunes.

87. And has there been the same continuity so far as time has permitted observation on this matter, in the existence of these employing firms as there has been in the existence of the great private firms of this country?—Certainly. Of course I must give an opinion from general observation and so far as I have seen, and I am obliged to observe these matters in connection with the public office which I hold, we are interested in the prosperity of many countries ; and there, so far as I have seen, *sociétés anonymes*, or companies engaged in factories and in commerce, have the same vitality as private partnerships. Some live long ; others, on the other hand, fall before the events of commerce. I may mention that in all countries where this special form of partnership exists the ordinary forms of private partnership exist in full competition.

Mr. *Knowles*.

88. I understood you to say that this limited partnership came into operation in 1828 in France?—No ; I referred simply to the fact of my attention having been directed to the competition which was carried on in France by Englishmen against our manufacturers, profiting by the system which already existed.

89. Had the Limited Liability Act any operation in France?—No, we had no limited liability at that time.

90. Did they adopt in France the limited partnership after they had adopted the Limited Liability Act?—So far as the Code Napoleon is concerned, they are co-existent. The Code provides for this special form of partnership as for others. The Code Napoleon does not apply to France alone, but it is adopted in many countries of Europe and South America, and even in Turkey as the Code de Commerce.

91. You say that in this country there is not sufficient advantage to induce capitalists to join in many commercial operations at the present time?—I should not like to say that, because in many cases there is too much capital ; it is the very nature of competition that it should be so ; on the other hand, there are many men all over the

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Mr. CLARKE.

[Continued.]

Mr. Knowles—continued.

the world who have retired from business, and who are willing to contribute a sum, under certain circumstances for commercial enterprises, who are not willing to expose themselves to unlimited partnership.

92. Seeing that we have our joint stock, and our private partnerships, and our limited system, do you really think that this would be an inducement to extend our commercial partnerships in an honest and straightforward manner?—I think it would.

93. You have said that it would induce partners to go in, and that it would make the people more free; would they not be more restricted by this legislation?—Necessarily, the partnership *en commandite* would be more restricted than an unlimited partnership, where people, as far as possible, do as they like.

94. Then, I think, you said that in a limited partnership, where the partners are limited and registered, you would have more security, because the creditor would know how much he had to depend upon?—Yes.

95. But in the case of a man registering himself as being limited to 10,000 £, what guarantee would you have that he had put 10,000 £ into the concern?—You must bear in mind that you have got the ultimate guarantee of the law in countries where such legislation exists. A man who committed an act of that kind would commit a fraud, which would be visited upon him by the public prosecutor.

96. Do you think that there are no such frauds existing under the liability system which are never prosecuted?—I was giving evidence as to countries where the system exists, and where there is a public prosecutor who acts.

97. I understood you to recommend Part 4 of the Bill, with reference to limited partnerships; is that so? do you recommend it or not for adoption in this country?—Certainly.

98. Then how would you know that a man who registered himself as a partner up to a certain amount had actually put that amount into the concern?—In some countries he must pay it down.

99. What guarantee have you that a man had deposited the money in the concern? might he not have paid a bill for the amount by a promissory note?—That depends upon how you provide for it. In most cases he must pay down positive hard cash; he is not allowed to pay a promissory note, or to withdraw his money afterwards.

Chairman.

100. Have you read Part 5 of the Bill?—

Mr. Knowles.] No, I have not.

101. In what form would you suggest that it should be registered?—I should not like to go into details of that kind. It depends upon the nature of the public body to whom the registration is committed.

Chairman.

102. Are you aware of the manner in which

Chairman—continued.

these firms are registered in France?—No, not in detail; I cannot state at the moment whether they are registered with the Tribunal of Commerce or elsewhere.

103. With regard to the publication of the amount which is lent in respect of these partnerships, have you any knowledge?—No, I have never seen them, though they may have been in the "Moniteur" or in the "Gazette des Tribunaux"; but generally speaking, those are not accessible to the commercial public in France as information is to the commercial public here. You go to a local registry. I know that there is perfect facility in getting information, because I know that it has been got with regard to firms.

104. In reference to the question of the honourable Member for Wigan, as to how the public should have knowledge of the amount which has been contributed by the *commanditaire*, do you think it desirable that the amount should be published, in the "London Gazette," or in some local paper, and registered in some public manner?—I think it should be registered in some public manner; but I do not think it necessary to advertise in the "London Gazette" or in any local paper.

105. But that it should be registered, in order that the public may obtain a knowledge of the fact?—Yes.

106. Do you think it desirable that the sums contributed by the *commanditaire* should be in cash?—Certainly.

107. Not as the honourable Member suggested, by means of bills or other securities?—No.

Mr. Eustace Smith.

108. I want to clear up one point. I think you said that there had been systems analogous to this *en commandite* existing for something like two centuries in France; there was the legislation of Louis XIV. on the subject?—I cannot state the date or the details; it is a matter of economical and commercial history.

109. Can you state the way in which the *sociétés anonymes* began to exist in France?—I cannot undertake to go back to those elements of legislation. At present they are taken from the Code, but the Code itself is a mere embodiment of the legislation of the previous period; there is very little that is new in the Code.

110. You do not know how long *sociétés anonymes* have existed in France?—I should not like to say individually. I know that many companies existed in France in various forms before the Revolution.

111. I think you said that the contributions of the *commanditaire* ought to be in cash?—I think it desirable.

112. Would you allow stock-in-trade to be considered equivalent to cash?—Of course the result would be that in some cases stock-in-trade would be turned into cash. If it is a manufacturing firm, when the cash has been given, it would be applied to the purchase of machinery, stock-in-trade. In the case of a trading firm, it must come in cash.

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Mr. J. CROSBY BROWN, called in ; and Examined.

Chairman.

113. I BELIEVE you are a member of the firm of Brown, Shipley and Company?—Yes; Brown, Shipley and Company, Founders'-court, London, and Liverpool; and Brown Brothers, and Company, New York; the same firm under different names in the different places.

114. I believe you have resided in the city of New York for some time?—All my life.

115. And a member of the firm for how many years?—Eighteen years.

116. You have had some experience, therefore, of the system of partnerships *en commandite* in the States?—Yes; they are known to us as limited partnerships, or special partnerships.

117. Will you state to the Committee what is the fundamental principle of the law of limited or special partnerships in the State of New York?—The laws differ somewhat in the different States in minor details; but the general principle throughout all the States, and notably in the State of New York, is that the contribution on the part of the special partner shall be an actual contribution in cash, and that due notice shall be given of the amount, so that everybody doing business with the concern shall have notice of the fact.

118. In what way is that notice given?—It is provided for by the law under which such partnerships are formed; the statutes of the various States provide for what is known as limited partnership liability; I may state by way of explanation that the limited partnerships with us are usually trading firms, not manufacturing concerns, and the law especially excludes banking and insurance business from these limited partnerships, because there are special laws regulating both banking and insurance, and there is the general manufacturing law which usually covers all cases of manufacturing business, though manufacturing partnerships are not absolutely excluded from the benefits of the Limited Partnership Act.

119. What notice is given in the public press?—The first step is that a certificate of partnership has to be made out, and sworn to by all the partners before the proper officer of the court; that certificate is then filed in the county clerk's office in every place where the firm is engaged in business; then the fact of the certificate having been obtained is usually published in newspapers designated for that purpose by the court in the place where the firm is engaged.

120. Is that obligatory?—It appears to be on the part of the law permissive; but as a matter of fact, it is obligatory, because a failure to publish or give notice renders the special partner thereby a general partner; it is also obligatory from another point of view, that a limited partnership concern would get no credit or standing in trade unless that notice was given officially through the papers.

Mr. Whitley.

121. Does the certificate officially state the money that has been paid?—The certificate is sworn to by one of the general partners, not by
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Mr. Whitley—continued.

a special partner; and when the certificate is made out, the fact is sworn to that a *bonâ fide* contribution in cash has been actually paid.

Chairman.

122. Then the certificate is required to contain information on these points?—First: there is the name of the partnership; then the nature of the business the partnership is formed to transact; then usually the principal place of business, but that is not obligatory; then the names and residences of all the partners, discriminating between the special and general; then the amount of contribution in cash of each of the special partners, or if there is but one of his contribution; then also, which is essential, the duration of the partnership, both the date at which it commences and the date at which it terminates.

123. What are the objects contemplated and secured by this law?—The objects are that the community at large, the trading public, have notice of the fact of this concern being a limited partnership. The community is put upon its guard as to making inquiries and dealing with it.

124. And you think it acts well?—It certainly acts well in our community. It acts well in many ways. In the first place it often provides for the continuance of business which otherwise would pass away. Death may diminish the number of partners; the surviving partner may not wish to keep on the business alone, subjecting himself to the risks of partnership; or he may have some young men in his employ, or persons in whom he is interested; that is the shape it usually takes, and he contributes to the capital, and they do the work. As a general rule we know that the amount of cash in a limited partnership is the cash contributed by the special partners, which helps to start new concerns. It also acts in this way, that oftentimes co-partnerships or firms doing business in a large way, say, in one place, find a necessity for planting an agent or getting a foothold at some other place to prevent their business being drawn away by competition; and not being prepared to send a special agent there, or open a firm there, they are willing to take an interest as special partners in a concern established in another place for the business that would thus grow up between the firms.

125. Will you state to the Committee how far a special partner is restricted in his action with regard to the firm?—All that he is allowed to do is to give counsel or advice. He cannot act for the partnership except in certain special circumstances. In that case his action only becomes binding upon the firm when confirmed by the general partners.

126. Then in that case he would act as an agent, but not as a partner?—Not as a partner. It is the exception rather than the rule.

127. Would that exception be contained in the original articles of partnership?—I scarcely think it would. It is provided for in the law. I will
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Mr. BROWN.

[Continued.]

Chairman—continued.

will read the section bearing upon that subject. I have here the Revised Statutes of the State of New York, by Banks and Brothers, 6th edition, page 1153: "General partners only shall be authorised to transact business for the partnership, except as provided in Section 17, and no special partner shall be authorised to sign for the partnership or bind the same." Clause 17, which is the exception, is this: "A special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management. He may also loan money to and advance and pay money for the partnership, and may take and hold the notes, drafts, acceptances, and bonds of or belonging to the partnership as security for the payment of such moneys at interest, and may use or lend his name and credit as security for the partnership in any business thereof, and shall have the same rights and remedies in this respect as any other creditor may have. He may also negotiate sales, purchases, and other businesses for the partnership; but no business so negotiated shall be binding upon the partnership until approved by a general partner. Except as herein mentioned he shall not transact any business on account of the partnership, nor be employed for that purpose as agent, attorney, or otherwise. If he shall interfere contrary to these provisions he shall be deemed a general partner."

128. Are those provisions adopted generally in this Bill?—I think not, as I understand it. The Bill seems to me objectionable from my standpoint in that respect.

129. Will you refer to any other part in the Bill that you think requires alteration?—I think the second section is objectionable, striking at the fundamental principle of all limited partnership matters, and I think the words, "undertaken to contribute," ought to be struck out. The contribution should be absolutely in money. I look upon the Bill from the standpoint of a party giving credit, or in the habit of giving credit to limited concerns.

130. Is there any other point that you think should be amended?—Section 68 strikes me as being objectionable, on the ground that it seems to me to contemplate that the special partner shall act as agent and represent the firm.

131. You think that his acts ought not to be binding unless they have the subsequent assent of one of the partners?—I think so. I think it is objectionable that a special partner should be known as acting in any way for the partnership concern, or his action should be limited to rare circumstances. With regard to Section 70, I would say that the law under which partnerships are formed in New York being very exact in defining the limits of duration of the partnership, those partnerships being almost invariably as a matter of fact formed for short periods, very seldom more than three or five years, usually two or three years, I think it would be better to leave out the provision for the introduction of new partnerships, because the essential feature of any change in a special partnership is that notice shall be given to the public, and in the case of death, during the course of the partnership, under our law there is provision made, by which, notice of the fact is given to the public.

Chairman—continued.

132. Under the law, I suppose a limited partnership might be for a very considerable period?—It might be so as long as the limits are fixed, but as a matter of practice, it is usually only for two or three years, and then renewed.

133. Is there any other point in the Bill to which you wish to refer?—I think Section 72, allowing the partner to compete, is objectionable in every way; it would strike at the root of a limited partnership gaining any credit with us.

134. You would not have the same confidence?—No.

Mr. Baxter.

135. Is not that their look out? When a limited partnership is formed they can insert a condition that he shall not do it?—My point is this: the limited partnership, as a matter of fact, being what is usually a partnership of well-known defined means, if the public at large with whom the concern has to deal knows that a special partner has a right to continue in his line of business as a competing firm they will not deal with the limited concern.

136. Therefore, the limited partnership does not allow the limited partner to compete?—The law, or common civil custom, takes care of the public to such an extent that it does not allow him to do it.

Mr. Rylands.

137. Your objection to the clause is, that if permission were granted to any partner or partners to engage in a similar business, the permission would not be known to the public at large, but might always be more or less suspected?—That is the point; the public would not have notice, and, therefore, they would be suspicious of the concern. The special partner being the strongest member of the concern might so conduct his competing business as to work detriment to the limited concern with whom the public were dealing.

Chairman.

138. Is there any other point to which you wish to refer?—I think Clause 76 also strikes at the point I have named, that the contribution should be a contribution in cash.

139. Clause 78 states that a limited partner is not to receive profits or interest while the capital is diminished?—The law with us requires that in case the capital shall be diminished otherwise than by losses, it is to be made good.

140. Is a partnership dissolved by the death of any partner?—It is.

141. Not of a special partner?—Provision can be made in the articles of partnership by which the heirs or representatives of the special partner can continue in the business until its termination.

142. How would a special partner rank with reference to other creditors of the firm in case of insolvency?—All their creditors would have to be paid first. Practically, that insolvency would wipe out the special partner as far as his capital was concerned.

143. Can a special partnership be dissolved before the expiration of the period for which the partnership is entered into?—It can be, but only with notice.

144. With

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Mr. BROWN.

[Continued.]

Chairman—continued.

144. With the consent of all?—With the consent of all parties, and notice given to the public also.

145. Is there any other point to which you desire to call the attention of the Committee?—It might be desirable to show the process of giving notice. I have here a paper published in New York on the 3rd January, in which the usual co-partnership notices are given. If I read one or two, they will explain the whole method of the publication.

146. Is that the publication of the certificate granted by the registrar?—Yes. These are two advertisements:

“Certificate of Limited Partnership.

“The undersigned, desirous of forming a limited partnership under the statutes of the State of New York, hereby certify: first, that the name or firm under which such partnership is to be conducted is Burrage, Cole, and Mason. Second, that the general nature of the business intended to be transacted by such partnership is the buying and selling on commission or otherwise, woollen, cotton, or other dry goods. Third, that the names of all the general and special partners interested in said partnership, and their respective places of residence, are as follows: Charles H. Burrage, who resides in Newton, in the county of Middlesex, and State of Massachusetts; Malcolm B. Cole, who resides at Somerville, in said county and State; Clarence W. Mason, who resides at New York, in the county and State of New York; and Arthur J. Poole, who resides in Peabody, in the county of Essex, and State of Massachusetts, are the general partners; and Alvah A. Burrage, who resides at Boston, in the county of Suffolk and State of Massachusetts, is the special partner. Fourth, that the amount of capital which the said special partner, Alvah A. Burrage, has contributed to the common stock of said partnership is the sum of fifty thousand dollars, and the said special partner has contributed the same in actual cash payment. Fifth, that the period at which the said partnership is to commence is the 5th day of December, A.D. 1881, and the period at which it will terminate is the 31st day of December, A.D. 1884. Made and severally signed by the said partners, resident in Massachusetts, at Boston, on the 1st day of December, A.D. 1881, and by the said Mason, at New York, on the second day of the same December. *Chas. H. Burrage, Malcolm B. Cole, Clarence W. Mason, Arthur F. Poole, Alvah H. Burrage.*”

“Fabbri and Chauncey.

“The limited co-partnership heretofore existing among the undersigned, under the firm name of Fabbri and Chauncey, expires this day by its own limitation. Dated New York, 31st December 1881. Ernesto G. Fabbri, Frederick Chauncey, general partners; Egisto P. Fabbri, John Knower, Mary O. Alsop, Henry Chauncey, John W. Cater, special partners. Fabbri and Chauncey. We, Ernesto G. Fabbri, Frederick Chauncey, John Knower, Mary O. Alsop, Henry Chauncey, and John W. Cater, being desirous
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Chairman—continued.

of forming a limited partnership under and pursuant to the provisions of the revised statutes and laws of the State of New York for the purpose aforesaid, and in pursuance of said laws, do make and sign and acknowledge this certificate, and do hereby certify as follows:—First. The name or firm under which such partnership is to be conducted is Fabbri & Chauncey. Second. The general nature of the business intended to be transacted by such partnership is the general shipping and commercial business, and the principal place of business of the said co-partnership is the city and county of New York. Third. The names of all the general and special partners interested in such partnership are as follows: Ernesto G. Fabbri and Frederick Chauncey, who severally reside in the City of New York, in the state of New York, are the general partners, and John Knower, Mary O. Alsop, and Henry Chauncey, who severally reside in the city and state of New York, and John W. Cater, who resides in London, England, are the special partners. Fourth. The amount of capital which each special partner has contributed to the common stock is as follows: John Knower has contributed fifty thousand dollars; Mary O. Alsop has contributed seventy-five thousand dollars; Henry Chauncey has contributed seventy-five thousand dollars; John W. Cater has contributed one hundred thousand dollars. Fifth. The said partnership is to commence on the 1st day of January 1882, and to terminate on the 31st day of December 1884. In witness whereof we severally make and sign this certificate this 29th day of December 1881. *Ernesto G. Fabbri, Frederick Chauncey, John Knower, Mary O. Alsop, Henry Chauncey, John W. Cater.* Per *E. G. Fabbri, Attorney.*”

Mr. Rylands.

147. I believe in America, you have no law similar to our limited company law?—I am not familiar with all the provisions of your limited company law, but we have in different branches of business or trade a law which corresponds to it in a measure; for instance, in manufacturing companies or companies for mining, almost all the different States have a general law under which companies can be formed by which the liabilities of stockholders are limited. That is also true in reference to the law for incorporating banks, in which the liability of the stockholder is limited to double the amount of the stock which he holds.

148. I suppose the cases to which you alluded are cases of very large companies, with a number of stockholders?—Not necessarily large companies with a number of stockholders; oftentimes they are a mere firm; a private firm, carrying on a manufacturing business, organised under the general law for manufacturing purposes, going on with the same partners, who become stockholders rather than partners, perhaps, not more than three or four stockholders.

149. In what respect does that differ from the limited partnerships to which you have been directing your attention?—As I am not specially familiar with the provisions of the general law for the incorporation of manufacturing companies, I am not able to tell you, but there is this
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Mr. BROWN.

[Continued.]

Mr. Rylands—continued.

general distinction, that in very many of the States the advantage of a private firm organising under the general manufacturing law, and limiting their liability in this way, is, that there are certain benefits in regard to the taxation of incorporated companies which would not apply to limited partnerships.

160. I want to know whether, practically, it is found that limited partnerships exist alongside ordinary partnerships?—Limited partnerships are resorted to by firms in trade, not by firms who are manufacturers; it is for general commercial purposes.

161. For short periods?—For short periods.

162. Of course, in other cases it would be almost a permanent charter of incorporation?—Yes.

163. You stated that a public notice was given of the amount advanced by each partner in absolute cash?—Yes.

164. Is there any public notice given of any reduction of the amount, or can it be reduced?—It cannot be reduced, unless by losses incurred in business, which can be ascertained whenever the firm is making up its yearly accounts, and if, as soon as those losses are ascertained, the contribution should prove to be reduced by any act of the special partner, such as withdrawing interest or profits, and such reduction is not made good by the special partner from some other source, he becomes a general partner, and should the concern fail under those circumstances, he would be brought in as a general partner.

165. Is there any mode of preventing limited partners receiving excessive interest upon the amounts they advance to the firm?—In almost all our States, there are laws still existing, as for instance, in the State of New York, by which a limited partner can only receive 6 per cent. upon his capital; that is why oftentimes he is willing to form a limited partnership, because he receives additional compensation to which he thinks he is entitled by his share in the profits of the business.

165*. Is there any mode of preventing this kind of transaction; suppose a company was going on, and a balance sheet was prepared by arrangement, showing a certain amount of profit, the limited partner gets his 6 per cent., and also, as I understand, a bonus?—A specified share in the profits.

166. Have you, in your experience, known cases in which limited partners have by arrangement, drawn out, or sucked, so to speak, out of the concern a larger sum of money than they ought rightfully to do, and by that means cleared off a great deal of the capital which they had advanced?—No, my experience has been quite the other way. That operation goes on in private partnerships, but not in limited partnerships, because a limited partner who does that, becomes a general partner; he becomes liable for the debts of the whole concern in case of failure; he would be guilty of a fraud, and he could be much more easily brought to justice than in the case of the same operation with an ordinary firm.

167. In your experience, that operation does not seem to exist?—No, not so far as my experience goes.

Mr. Rylands—continued.

158. With regard to the withdrawal of capital, I suppose they could not withdraw any sum of money during the term of a limited partnership?—They can withdraw the interest and profits, but not the capital; the capital must be kept intact.

159. Is there any indication given in the name of the firm to show that the partners are limited?—Not in the firm named; the name of the limited partner does not appear in the partnership name; but at the principal place of business the names of the partners are written up in plain English letters; the law particularly specifies that, defining which are general and which are special. With regard to notices, I have been speaking with reference to the State of New York. There may be differences in the other States, but the general principles are the same.

Mr. Shaw.

160. Did you say that a limited partner got interest on his capital as well as a share of the profits?—That is a matter of partnership arrangement.

161. The interest would be independently of the profits?—Usually; he may make what arrangement he chooses.

162. Is not that against the principle of the whole thing, getting a fixed interest?—He receives a fixed interest for his capital and then a profit in the business. That is a matter of arrangement between the partners themselves; they can make any arrangement of that sort that they choose.

Mr. Baxter.

163. You are only speaking of what is usual; is it the invariable practice?—I cannot say; I do not know of any case in which special partners do not draw interest first.

Chairman.

164. They may not draw more than 6 per cent., it may be less, and the profits are divisible, according to the terms of the agreement entered into?—Yes.

Mr. Shaw.

165. Is this the common practice in America?—It is quite common, it is universal as far as I know with limited firms, but the greater number of firms which one comes in contact with are not limited firms.

166. You think the system works well?—I think it works well. I would rather deal in certain respects with a limited partnership than with an unlimited one, because in the latter case I have not the same accurate sources of information, especially in cases of firms doing a small business.

Mr. Knowles.

167. You told us that everybody doing business with a limited partnership was supplied with a notice of the names of the partners, the duration of the partnership, and the amount for which the partners were responsible?—Yes.

168. In what shape is the notice given?—The primary source of information is the certificate which is on the file always at the county clerk's office; that is the public depository for the record of all such transactions. Then, in addition

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Mr. BROWN.

[Continued.]

Mr. Knowles—continued.

tion to that, there is a publication in the newspaper for a week, or two weeks, usually four weeks, of the formation of the limited partnership; and usually a concern starting in that way sends round circulars, but that is a matter of courtesy, not obligatory.

169. It is not obligatory to send private notice by circular?—No, it is not.

170. Are the newspapers in which the advertisements are inserted local papers?—They must be in the place where the business is done.

171. You stated that the duration was generally limited to two or three years?—Yes.

172. Do you think that is a matter of convenience?—It is convenient in the case of the death of one of the partners, but the partnerships for two or three years are often renewed.

173. By fresh people frequently, I suppose?—Often by the same people, sometimes by fresh people.

174. Have you known of any instances in which a man would join a limited partnership for two or three years with the evident purpose of acquiring a knowledge of the trade, so that he might be able afterwards to set up in business himself?—No.

Mr. Whitley.

175. How many general partners must there be in a firm?—My impression is that there need be only one. The law says, "such partnerships may consist of one or more persons, who shall be called general partners, and who shall be joint and severally responsible."

176. How many special partners may there be in any concern?—One or more.

177. Any number?—Any number of special partners. In one of these advertisements there are four special partners, one of whom is a lady.

178. You are aware that by our law any seven persons can form themselves into a limited liability company?—I am not familiar with that.

179. Is there in America any yearly registration of the assets of the firm?—Not that I know of.

180. There is no protection to the public as to what state a firm may be in in any one year?—No, except that from the operation of the law the special capital must always be kept good and intact, as I have explained.

181. That is if men are honest the capital will be kept intact?—Yes.

182. But there is no knowledge to the outside public as to what money may be withdrawn during the year by any of these partners?—No; but if a special partner should withdraw any of his capital he becomes a general partner. That is the only protection for the public.

183. Practically, I understand you to say limited partners are confined entirely to trading companies?—I would not say entirely, but they are generally trading companies.

184. Therefore, bankers and insurance companies are practically excluded?—Yes; because they are provided for by another law.

185. And mines?—Mines are provided for generally, by what is known as the general law for the incorporation of manufacturing and mining companies.

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Mr. Whitley—continued.

186. I suppose in such firms as Baring's and your own, there are no special partners?—None in our firm, but there is nothing in the nature of the business that would preclude us from having special partners if we chose to do so.

187. We may take it that large firms in America have not availed themselves of the law?—No, there have been, perhaps, exceptional cases, in cases of sudden death for instance.

188. If a limited partner dies, does that dissolve partnership as regards the others?—Yes, that is the case generally with us. By the partnership law in the State of New York, death dissolves the partnership, but there are provisions for carrying on the concern in the articles of partnership.

Mr. Ecroyd.

189. You told us, I think, that the duration of these partnerships as applied to mercantile undertakings, was ordinarily short?—Yes.

190. And that the law is not applied in the case of manufacturing and mining concerns?—No.

191. They are incorporated?—They are usually incorporated; they may be private concerns, and there are some that are private concerns, but the majority are incorporated.

192. Are they usually of much longer continuance in the same ownership?—Yes.

193. Are they of much longer continuance than one or two years?—They are continuous, they are unlimited as to duration; they are incorporated under the general law. Under the old system, almost every State was in the habit of granting charters for manufacturing, mining, or other purposes, and those charters had a definite existence for a certain number of years. But of recent years, such has been the pressure of private legislation upon the different legislatures, that almost all the States have passed general laws for the incorporation of different companies under certain specified terms and conditions. I am not able to tell you the duration of these.

194. I want to ascertain whether the necessity of more continuity in the existence of these concerns embarked in mining and manufacturing industries would constitute an objection to their forming themselves under the principle of private limited partnerships?—I should say not. I should say that the advantages they would gain, and do gain, by being incorporated under a special law would be a reason to induce them to form under that law.

195. You say they have special privileges?—Yes; the law was passed in contemplation of the particular kind of business that they have to do.

196. Practically the principle of limited partnerships has not in the United States been applied to manufacturing and mining?—No, because the same principle exists through incorporation; the principle of limited liability to those interested in the business.

197. In those cases does the limitation apply to all those interested?—Yes.

198. Then there are no two classes of partners in mining and manufactures?—No, they are not partners, they are stockholders.

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199. Like

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Mr. BROWN.

[Continued.]

Mr. *Ecroyd*—continued.

199. Like limited manufacturing companies in this country?—Yes, as I understand it.

200. Then it comes to the same thing, that the principle of private limited partnerships has not in the United States been tried in the field of mining and manufacturing enterprises?—I say that the principal is applied universally, because almost all the mining and manufacturing industries, or the majority of them, are incorporated companies.

201. I mean as apart from incorporated companies, the principle of limited partnerships involving two classes of partners has not been applied in that field?—No.

Mr. *Salt*.

202. Did I understand you to say that on the occasion of the death of a partner, or an alteration of the capital, or a change in the partnership in a limited firm, a fresh registration and a fresh advertisement are necessary?—Yes, but that is usual in all partnerships; it is not a special application of the law to limited partnerships.

203. In the case of a limited partnership, in signing the name or putting the name at the head of a letter, or anything of that sort, are there any words used to show that it is a limited partnership?—No, not in the signature; but often, I am not able to recollect whether it is universal, the names of the partners, whether special or limited, are printed at the head of the letter. I do not think it is obligatory. There is nothing in the signature.

204. Nor in the title of the firm?—No.

205. I think you said you preferred to deal with a limited partnership rather than with an unlimited partnership?—Yes, as a general principle.

206. Why?—Of course I cannot guard myself against absolute fraud, nobody can; you may be deceived in a man; but if I am dealing with a man who is not an absolute cheat, I have some basis to go upon; I know that the contribution of his capital is an actual *bonâ fide* contribution; and then coming in contact with the men who conduct the business, who are men usually without capital, I am able to form an idea of the ability with which the business is carried on.

207. Have you taken any part in the management of your English firm?—No, but I had my training in England. I may mention in reference to the last question that regular partnerships far outnumber the limited partnerships.

Mr. *Eustace Smith*.

208. I think I understood you to say that as a rule the payment made by the limited partner is in cash payment?—It is in cash payment.

209. Suppose the money is lost, what happens?—If the firm ascertains that the money is lost—by balancing the books at periodical times—if the loss entails a diminution of the capital, the special partner is obliged to make good that amount, or else he becomes a general partner.

210. Then, in point of fact, he is not a limited partner. A man puts 20,000 £. into the concern, and the concern may lose 10,000 £, a year (we

Mr. *Eustace Smith*—continued.

had a case in London where a firm lost on an average 70,000 £. for 14 years), the special partner might then be always paying up; he would not be a limited partner?—He generally takes care that the term of partnership is short enough.

211. You have looked over Part IV. of the Bill?—Yes.

212. There is nothing of that sort contemplated here, I think, involving the responsibility of paying up, provided a man has not drawn out?—I do not think it is clear on that point.

213. Is there not a considerable difference between the American law and the English? In the English law, as I understand it, and I think you understand it in the same manner, if a man puts 50,000 £. into a concern he is liable to refund anything he draws out, but he has no liability, whereas under your New York practice a man is still liable to keep his contribution up to the mark?—Yes.

214. Is the certificate sworn to by the general partner?—Yes.

215. Is there any precaution that the statements made by the general partner are correct; is sufficient publicity given to prevent my going, for instance, if I am a swindler, and swearing that Rothschild is a limited partner in my concern?—No.

216. There is no precaution?—The only precaution in that case would be that publication would reveal it, and all the world would know that it was not so.

217. Supposing a man at New Orleans were to make a declaration that your partner, Mr. Alexander Brown, a Member of this House, was a limited partner in his concern, would there be any possibility or probability of finding it out?—We should know it at once, because it would be current in the first place in New Orleans, and it would inevitably come to our ears; I cannot tell you by what process. I never knew such a case.

218. Have you any law in America limiting the use of a partnership name. I mean are people in America allowed to trade, as in England, under any names they choose?—In New York they used not to be allowed, except for foreign business, but there has been recently some amendment to the law in that respect, giving authority under certain conditions, the exact nature of which I am not able to give.

219. Your attention has been directed to Clause 66, in which it says that the name of a limited partnership must not contain the names of any limited partner; do you think that is a necessary provision?—According to my notion I think it is good.

220. Would it not sometimes be a great hardship; suppose some of your partners wanted to become limited partners, is not the name a very important element in your business?—Decidedly.

221. Then supposing one or two of your partners wanted to be limited, you could not do that without eliminating the name of the firm?—It would be a great hardship, and, therefore, as I have said, there have been modifications in the law. There is a decided difference of opinion as to the desirability of that clause, and the tendency of decisions with us goes naturally towards allowing

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Mr. BROWN.

[Continued.]

Mr. Eustace Smith—continued.

allowing the use of the old firm names. I give my own preference for the omission, and I still hold to that. That is from the stand-point of a person dealing with a limited concern, and giving credit to them. I prefer to have the law as it is.

Mr. Baxter.

222. Is there any difference of opinion in the United States, in regard to the desirability of your system of limited partnership?—That is a wide question, and I am not able to answer it. I have never heard the desirability of the law questioned in New York since I have been in business.

223. No one, in fact, doubts that the law works well?—No.

224. You have resided a great deal in both countries; do you see any reason why what works well in the United States should not work well here also?—I do not see any reason. I can give reasons why things might be necessary there that are not necessary here in matters of business.

225. In regard to the details of the measure?—Yes.

226. But there is nothing in the special circumstances of the two countries; in the differences between them; that you think would render it desirable not to adopt the same law here as in the United States?—I have not resided here long enough to look at the question as a matter of business from an English stand-point so as to be able to give a practical answer to the question, but in the abstract I do not see any reason why what works well there should not work well here.

227. I gather that you prefer the enactments in the State of New York, and those generally existing throughout the States of the Union to the proposals in this Bill?—I do. I think that they are more definite, and that they bring out more of what seems to me to be the essential feature of the whole system, that is, that the contribution should be an actual contribution in cash from the special partner, and that the public should have notice of it.

228. In point of fact, on the other side of the Atlantic, you take more care of the public than we propose to do in the provisions of this Bill?—That may be so, I do not know.

Mr. Courtney.

229. That is the reason for your preference?—Yes.

230. I see that the certificate of special partnership is lodged with the clerk of the county?—In the county clerk's office.

231. For inspection?—For inspection.

232. Is it often inspected, do you think?—Very seldom; because the publication in the newspapers answers every practical purpose; I have known cases where, for special or exceptional reasons, trouble has been taken to compare the public notice with the certificate.

233. Are indices kept in the offices of these certificates?—Yes. There is no difficulty whatever in getting a copy of anything.

234. If you went to the county clerk's office and gave the name of the firm, could you get a copy of the certificate?—Yes.

O.111.

Mr. Courtney—continued.

235. Or inspect it?—Yes. The usual way is to apply for a copy of the certificate, and you can do that by mail without going yourself, paying the copyist's fee.

236. Can a special partner become a debtor of the partnership?—That is a question that I have not thought of; will you put the question in some other way?

237. Take the case of a partnership carrying on some business or trade, and suppose a partner wanted to be supplied with some of the articles supplied by the partnership, would he become a debtor?—He would become a customer.

238. Would he be a debtor?—That is a question I should not be able to answer; from my general knowledge and dealing in connection with these questions, I should think he would be a debtor. Let me put it in this way: suppose a concern with which I am dealing has a special partner with definite capital, and I find that he owes the concern for goods bought from them that he might buy elsewhere, absorbing one-half of his capital, I should certainly at once expect to be able to bring that man in as a general partner; it would be the only redress I had; and I certainly should believe that he had violated the spirit of the Act. I never knew a case of that kind occur.

239. You think that the responsibility of the man is not so good as his money?—You mean his responsibility in the concern?

240. Suppose a man has got 1,000 *l.* in the firm, and that he had become indebted to the firm to the amount of 200 *l.*, you do not think that his responsibility for that 200 *l.* would be as good as his money being in?—I do not.

241. Therefore there is a great necessity for the money being always paid in?—Yes.

242. The undertaking to pay money is not sufficient?—No, I do not think it is.

243. What security has the general creditor in the one case more than in the other if the man is really a solvent person?—If he is really solvent the creditor is as well off in one case as in the other, but there is always the contingency of a man not being in a solvent condition when the firm gets into trouble, and then the protection of his special capital is needed.

244. It is not enough to compel him to pay up guaranteed capital at that moment?—No.

244*. In the case of what we call limited companies; your chartered companies, is it necessary that stock should always be fully paid up?—I cannot answer that, because the law, as I understand, varies in different States, and in the case of different sorts of companies availing themselves of it.

245. With us, it is extremely common for persons to subscribe a certain amount, and pay up only half of it?—I understand.

246. It is supposed that that affords a great guarantee to persons in trade, because they have not only the actual money, but a certain liability beyond?—That general method does not prevail with us, nor is it looked upon with much favour. I know that the law in some of our States discourages it altogether, and requires the actual contribution in cash before stock is given, but in other States with certain other kinds of companies formed under the Act, there is a difference.

B 3

247. But

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Mr. BROWN.

[Continued.]

Mr. Courtney—continued.

247. But if the policy of the law favoured the creation of joint stock companies with a limited liability in reserve, I presume the same policy would favour the creation of limited partnerships with a limited liability in reserve?—I think that might be true; but as a practical question it would not work; because the object of the company or partnership is to engage in trade, and engaging in trade you must gain credit to a great extent.

248. Suppose that your memorandum states that A. B. is a limited partner, and that he has put in cash to the extent of \$5,000, and undertakes to pay another \$5,000, would not that add to the credit of the company more than if the amount were restricted to the first payment of \$5,000?—It would add more, but not as much as if he had the whole contribution to pay.

249. If, say, 10,000 *l.* were required to do the business well, and if the partner put in only 5,000 *l.*, being liable for the other 5,000 *l.*?—The concern would be reduced to the point of having only 5,000 *l.*

250. But suppose 5,000 *l.* be sufficient to do the business well, the other 5,000 *l.* being for any undiscovered circumstances that may spring up?—That would do if some public notice were given.

251. Then your system in that respect is less elastic than is proposed here?—Our system is less elastic, provided the condition of things and the public sentiment are the same on our side of the water as with you, but that provision, incorporated in our system as it exists, would be an anomaly.

Mr. Courtney—continued.

252. Then I will say that your ideas are less elastic than ours?—That may be.

253. Take another case. Supposing a trading partnership be established, and a man agrees to join it as a limited partner, and they say, as often happens in business, "We do not wish all the money at once; you shall pay us \$2,000 this year and another \$2,000 next year, when we get more into the swing of it;" would not that often be a convenient arrangement?—That is provided for with us in this way: the partnership is for one year with such a special contribution, and in the next year if more is wanted it is paid up.

254. Would not there be greater freedom in allowing the people to settle the matter at once?—I think the advantages to the public are greater in our way. I prefer our system entirely; I like the cash paid down.

255. Your objections to two or three clauses of this Bill I think all relate to the same point?—Yes, they are objections of one character.

256. With regard to Clause 72, declaring that the partnership shall not be bound to abstain from exercising on his own account the same business in the absence of any agreement, why should not a man have that liberty if his general partners are content to give it to him? Who would be injured by it?—I think the limited partnership concern is injured.

257. If they are content, is anybody else injured?—I never thought of it in that light. It seems to me so anomalous a condition of things, that I should dismiss all dealing with the concern.

Mr. EDWARD A. STRONG, called in; and Examined.

Chairman.

258. ARE you a merchant of Boston?—Until six months since I was in active business as a merchant in Boston for many years.

259. What firm?—Strong and Burt.

260. Have you heard the evidence given by the last witness?—Owing to my infirmity I was not able to hear the whole of it.

261. Can you state whether the law in the State of Massachusetts with regard to special partnerships is the same as that in the State of New York?—I take it to be substantially the same; there may be some differences in detail.

262. And are special partnerships entered into in considerable numbers in the State?—They are very common with us. The partnership with which I have been connected myself was one of this nature for the last twelve years.

263. Can you state how many partners, and how many special partners there were in your firm?—Only one special partner.

264. Will you state what you consider to be the advantages arising from special partnerships?—The advantages, as I regard them, are the encouragement to enterprise by the opportunity for the investment of capital in a partnership of this nature, the advantage being that the capital is wholly at the risk of the business, and therefore the credit of the firm is assisted thereby.

Chairman—continued.

265. You think it calls forth a great deal of capital which would not otherwise be employed in business?—I feel sure of that.

266. Is the special partner in Massachusetts allowed to take any part in the action of the firm?—He can exercise supervision and oversight, and investigate the business as much as he pleases.

267. And give counsel and advice?—He can give counsel and advice.

268. Without becoming thereby a partner?—Certainly, without endangering his position.

269. Do you consider that that is desirable in a limited partnership? May he act as an agent for the firm outside?—He must be very careful to interfere in no special business transactions; but he may exercise an oversight for his own protection. If he wants to know what is going on he can look at the books as much as he pleases.

270. May a special partner deal with the firm himself? May he have transactions with the firm?—I should doubt the wisdom of it. I cannot say how the law would touch that point.

271. Are there any circumstances connected with the special partnerships which you would like to call the attention of this Committee to?—Perhaps none that have not been already covered by the testimony of Mr. Brown.

16 May 1882.

Mr. L. J. KNOWLES, called in; and Examined.

Chairman.

272. ARE you President of the People's Savings Bank, Massachusetts?—I am.

273. Are you well acquainted with the law of the State in reference to special partnerships?—I do not know that I can give you all the details of the law; but I know it in its general working, having had a considerable deal to do with it.

274. Is the law much the same as it is in the State of New York?—I heard what Mr. Brown said; that is the only knowledge I have of the law in New York.

275. Did you agree with what Mr. Brown stated?—Mainly. I think our law in Massachusetts is more restricted in regard to what a special partner may do or what he may not do.

276. Will you state to the Committee what a special partner may do in reference to the firm? May he take any part in the management of the firm of which he is a partner?—I think he cannot take any part in the management. In our financial looking after the responsibility of parties with whom we have to deal, we carefully watch that.

277. If a special partner were to take a part in the management of the firm, would he thereby become a general partner?—I think it has been proved so in every case that has been tried. That seems to be the point we look closest to in our banks.

Mr. Baxter.

278. Supposing the special partner were to attend every day, and never sign anything in writing, but give advice, would he be reckoned a general partner?—Not necessarily from that. It must be proved that he had a special direction in regard to the business.

279. If a man spent his whole time there every day, might it not naturally be supposed that he really directed the business?—It would have to be proved.

Mr. Eustace Smith.

280. Supposing he were to sit in the private

Mr. Eustace Smith—continued.

office amongst the partners and see everybody that came in without taking any direct part in what went on?—I am clear, because I had one such case to deal with, that he has a right to see but not to dictate or to participate himself in business transactions. He has only to do that which is necessary for his own protection. Anything which he can prove was done for his own protection is admissible.

Mr. Baxter.

281. If it could be proved through the clerks or the customers, or otherwise, that he really directed the business, that would bring him in as a general partner?—It would.

Mr. Courtney.

282. The distinction is between what is done between the partners and conduct affecting the outside?—Yes.

283. If he does anything to lead persons outside the partners to think he is controlling the business, he becomes a general partner?—That is the principle.

Mr. Knowles.

284. The last witness stated it has only reference to traders, not to banks, mining, or manufacturers?—Largely to manufacturers; more than to traders. Mr. Strong's firm is entirely a manufacturing concern.

285. And they are under the limited partnership?—They are a limited partnership. I was a little surprised at the answer Mr. Brown gave. In Massachusetts it refers largely to manufactures.

Mr. Baxter.

286. New York is not a manufacturing State like Massachusetts?—That is the difference.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

PARTNERSHIPS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

*Ordered, by The House of Commons, to be Printed,
23 May 1882.*

204.

H.—3, 6, 82.

Under 3 oz.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

POLICE AND SANITARY
REGULATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

AN APPENDIX.

*Ordered, by The House of Commons, to be Printed,
9 June 1882.*

POLICE AND SANITARY REGULATIONS.

Ordered,—[Monday, 13th March 1882]:—THAT the Committee of Selection do appoint a Committee, not exceeding Seven in number, to consider and report on any provisions in Private Bills promoted by Municipal and other Local Authorities by which it is proposed to create powers relating to Police or Sanitary Regulations which deviate from, or are in extension of, or repugnant to, the general Law; and that it be an Instruction to such Committee to make a Special Report to this House in respect of any such provisions as aforesaid as the Committee may sanction, together with the reasons on which the grant of such powers are recommended, and the recent precedents applicable to the case.

Committee nominated—[Tuesday, 14th March 1882]—of—

Mr. Blennerhassett.
Mr. Henry H. Fowler.
Mr. Garnier.
Sir Gabriel Goldney.

Mr. Hastings.
Mr. M'Laren.
Mr. Sclater-Booth.

Ordered,—[Wednesday 22nd March 1882]:—THAT Five be the quorum of the Select Committee of Seven Members appointed (13th of March) for the consideration of certain Private Bills containing Police and Sanitary Regulations.

Ordered,—[Friday, 31st March 1882]:—THAT the Select Committee have power to send for Persons, Papers, and Records.

Ordered,—[Friday, 5th May 1882]:—THAT Mr. Blennerhassett be discharged, and Mr. James Cowan be added to the Committee.

Ordered,—[Monday, 15th May 1882]:—THAT Mr. Cowan be discharged, and Mr. Charles Parker (Perth) be added to the Committee.

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R E P O R T.

THE SELECT COMMITTEE to whom were referred all PRIVATE BILLS promoted by MUNICIPAL and other LOCAL AUTHORITIES, by which it is proposed to create Powers relating to POLICE or SANITARY REGULATIONS which deviate from, or are in extension of, or repugnant to, the General Law; and who were instructed to make a SPECIAL REPORT to the House in respect of any such powers as the Committee may sanction, together with the reasons on which the grant of such powers are recommended, and the recent precedents applicable to the case;— HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

1. IN accordance with the Order of the House of 13th March 1882, the Committee have had referred to them the following Bills:—

Accrington Extension and Improvement.
Chadderton Improvement.
Blackburn Improvement.
Bolton Improvement.
Manchester Corporation,
Macclesfield Corporation.
Newcastle-upon-Tyne Improvement.
Dundee Police.

2. They have examined these Bills in the usual way.

3. They have heard, in each case, the evidence submitted in support of and in opposition to the preambles and clauses, and have passed the same with amendments.

4. The subject-matter of these Improvement Bills is greatly more extensive than the subjects of special reference. All of them contained abundant illustration of the rapid growth and development which has marked private or local legislation of late years, especially under the important head of finance.

5. It must be admitted that Parliament has given encouragement to the practice of seeking thus for variations from or amendment of the general law for the convenience of particular localities, and that experience thus gained has served, and may serve again to lay the foundation of useful Public Acts of general application. On the other hand, anomalies and irregularities have, undoubtedly, received the sanction without the full knowledge of Parliament, and it appears to the Committee that such provisions, whether justifiable or otherwise, should not, as is too often the case, by the mere fact of being unopposed, escape the publicity which their importance demands.

6. The Committee have considered it their duty to examine closely the provisions of these Bills, whether opposed or unopposed, and have dealt freely with them by way of amendment, and they recommend that some step should be taken by the House to secure more uniform and stringent supervision of the unopposed clauses in Private Bills.

7. They have struck out a large number of clauses proposing to give powers which may already be obtained by means of bye-laws under General Acts.

8. As regards finance, the Committee have, in no case, permitted the repayment of a loan to be extended beyond the period of 60 years, which is the maximum period sanctioned by the Public Health Act, and for monies borrowed by the Metropolitan Board of Works. They recommend that means should be taken to secure in future a strict adherence to this maximum.

9. They have, likewise, thought it expedient, in several instances, to subject the raising of loans required for the purposes of the respective Bills to the sanction, from time to time, of the Local Government Board, as is required in case of monies borrowed under the Public Health Act. This is, again, a requirement which might usefully be made in case of future applications to Parliament of a similar character.

10. The Special Report which the Committee are instructed to make divides itself into two branches, viz., I. Sanitary, and II. Police Regulations.

I.—SANITARY REGULATIONS.

11. The proposals for sanitary regulations deviating from, or in extension of, or repugnant to the general law may, again, be classified under the headings of, 1st. The notification, and 2nd. The prevention of, or otherwise dealing with, infectious disease.

12. As to the first, the Committee had little difficulty in forming the opinion that the time has arrived when provisions of law on this subject may be sanctioned, at least, in the more important Urban Sanitary Districts.

13. It will be seen, by reference to Parliamentary Paper 164 (1882) which was prepared by the Local Government Board at the instance of the Committee, that in no less than 23 urban districts, legislation on this subject has been embodied in Private or Local Acts, and that the experience thus gained, though in some cases only recent, is stated to have been uniformly satisfactory.

14. Further, it must be noticed that the Local Government Board, who are the department charged with the execution and supervision of the Public Health Act, have been parties to similar enactments in Provisional Order Bills passed by their authority through Parliament; notably in the case of the Manchester Provisional Order Act, 1878.

15. The terms of this Order have been followed in the clauses which the Committee have sanctioned for insertion in several of the Bills under notice, and they recommend, that in any future amendment of the Public Health Act, similar powers should be extended to all urban sanitary authorities, or, at least, that means should be devised for clothing them with such powers on application. A copy of these provisions is appended to this Report.

16. As to the second, the clauses which have been submitted to the Committee for the prevention of, or otherwise dealing with, infectious diseases were, generally, of a different character.

17. They were to a less extent supported by precedent, were viewed with disfavour or with hesitating approval by the Local Government Board in their report on the several Bills, and were obviously, in many cases, premature, as the powers for providing hospital accommodation, and for the compilation of bye-laws open to the promoting authorities under various Acts, had been inadequately availed of. Some of the powers sought appeared excessive and objectionable, others in conflict with the general law.

18. Those

18. Those which have received sanction were, accordingly, few in number, and will be found in the Appendix to this Report. Appendix, No. 2.

19. Of the powers sought under this general head, two seem to require particular mention :

(a.) Powers to the Corporation to close schools, and to exclude scholars from schools during the prevalence of infectious disease. These, though plausibly urged, seemed to the Committee objectionable and unnecessary ; first, because the managers of public elementary schools (which form the vast majority of day schools within urban districts) ought to be held exclusively responsible for the exercise of a proper discretion on so important a matter ; and secondly, because the managers have been, recently, under the 18th Article of the new Code, expressly required by the Education Department (presumably as a condition of participation in the grant) to conform to any intimation they may receive from the Sanitary Authority in regard to the necessity of such closing or exclusion.

(b.) Clauses for the regulation and limitation of the labour of children under school age who are employed in selling or hawking newspapers, &c. in the streets. The clauses are taken from the Education (Scotland) Act, 1878, and are working well in Glasgow. They have, thus, the sanction of a public Act of Parliament which is in operation throughout one of the three Kingdoms. They are designed to correct a serious evil, and the Committee have sanctioned their insertion with one important modification. These Clauses will be found in the Appendix.

Appendix, No. 3.

II.—POLICE REGULATIONS, &c.

20. Many applications in excess of the general law for police powers were made, which the Committee felt themselves unable to sanction, except (as in the Blackburn case) where such powers were already in force within the borough and as to which their re-enactment was only in the way of a consolidation of previous Acts.

21. Clauses, however, dealing with—

- (1.) Street music ;
- (2.) Street betting, and
- (3.) The sale of coal in small quantities,

were approved, on the precedent of the well known provisions of the Metropolitan Police Acts. Other precedents are stated in the margin* for the above, and for provisions dealing with—

- (4.) Obstruction to footway ; †
- (5.) The defacing of corporation public notices, or injuring corporate property ; ‡
- (6.) Annoyances caused by affixing or delivering of objectionable advertisements ; ‡
- (7.) Stray dogs. §

22. These were proved to be much needed, and to have worked well elsewhere. The Committee also sanctioned the exercise of a bye-law power for regulation of bicycles and velocipedes, on the precedent of the Highways and Locomotives Act.

23. Copies of all these clauses will be found in the Appendix.

24. In sanctioning some of these clauses in the several Bills which modify the existing general law, the Committee have been influenced by the consideration that similar clauses have been found serviceable in other private Acts of Parliament,

* Birkenhead, Stalybridge, Bradford, Reading, Huddersfield.

† Stalybridge, Bradford, Birkenhead.

‡ Leicester, Oldham, Derby, Wigan, Reading.

§ Birmingham, Leeds, Derby, Huddersfield, Wolverhampton.

Parliament, and are of such a character that they ought, in the opinion of the Committee, to be incorporated in the general law. The Committee recommend accordingly that a Public Act should be passed amending the Towns Police Clauses Act in accordance with the requirements of the present day, the provisions of which may be adopted in whole or in part by local authorities.

25. The above observations are more immediately applicable to the seven English Bills. The Dundee Police Bill has been dealt with in a similar way, regard being had to the difference of law and practice prevailing in Scotland. The Committee have had the advantage of the Lord Advocate's Report on this Bill. Amendments have been inserted to meet his views, in addition to many which have been made at the instance of the Committee.

9 June 1882.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 23rd March 1882.

MEMBERS PRESENT :

Sir Gabriel Goldney.
Mr. Henry H. Fowler.
Mr. Sclater-Booth.
Mr. Garnier.

Mr. Hastings.
Mr. M'Laren.
Mr. Blennerhassett.

Mr. SCLATER-BOOTH was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next, at Two o'clock.]

Friday, 31st March 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Sir Gabriel Goldney.
Mr. Henry H. Fowler.
Mr. M'Laren.

Mr. Garnier.
Mr. Hastings.

The Committee deliberated.

[Adjourned till Thursday, 20th April, at Half-past Twelve o'clock,
to consider the Accrington Extension and Improvement Bill.]

Thursday, 20th April 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. M'Laren.
Sir Gabriel Goldney.
Mr. Henry H. Fowler.

Mr. Hastings.
Mr. Garnier.

ACCRINGTON EXTENSION AND IMPROVEMENT BILL.

Counsel for the Bill :—Mr. *Michael*, Q.C., Mr. *Stephens*, Q.C., and Mr. *Clifford*.
Agents :—Messrs. *Walker & Co.*

Preamble read the first time.

Petitions against the Bill were read from—

Church Local Board.

Counsel :—Mr. *Pope*, Q.C., and Mr. *Legard*.
Agents :—Messrs. *Sherwood & Co.*

Accrington Gas and Waterworks Company.
 Counsel:—Mr. *John Clerk*, Q.C., and Mr. *Freeman*.
 Agents:—Messrs. *Lewin & Co.*

Lancashire and Yorkshire Railway Company.
 Agents:—Messrs. *Dyson & Co.*

Henry Petre and others.
 Counsel:—Mr. *Little*, Q.C., and Mr. *Shiress Will*.
 Agents:—Messrs. *Shaw & Tahourdin*.

Leeds and Liverpool Canal Company.
 Agent:—Mr. *G. Norton*.

The following Petitions were also read, but no parties appeared in support of the same.

Owners, Occupiers, &c., in Rishton, Great Harwood Local Board, and Justices of the County Palatine of Lancaster.

Mr. *Michael*, Q.C., opened the case on behalf of the Promoters in support of the Preamble of the Bill, and called Mr. Alderman *Thomas Hindle*, who was sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Friday, 21st April 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
 Mr. M'Laren.

Mr. Garnier.
 Sir Gabriel Goldney.

ACCRINGTON EXTENSION AND IMPROVEMENT BILL.

On behalf of the Promoters of the Bill—

Mr. Alderman *Thomas Hindle* re-called, and further examined.

Mr. *Thomas Whitaker*, and Mr. *Edmund Whitaker*, were sworn, and examined.

[Adjourned till Tuesday next, at Half-past Twelve o'clock.]

Tuesday, 25th April 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
 Mr. M'Laren.
 Mr. Hastings.

Sir Gabriel Goldney.
 Mr. Garnier.

ACCRINGTON EXTENSION AND IMPROVEMENT BILL.

On behalf of the Promoters of the Bill—*continued*.

Mr. *Edmund Whitaker* was re-called, and further examined.

Mr. *Eli Knowles* and Mr. *John Charles Melliss* were sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Wednesday, 26th April 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Garnier.
Mr. Hastings.
Mr. M'Laren.

Mr. Henry H. Fowler.
Sir Gabriel Goldney.

ACCRINGTON EXTENSION AND IMPROVEMENT BILL.

On behalf of the Promoters of the Bill—*continued*.

Mr. *Robert Vawser* sworn, and examined.

Mr. *James Mansbergh* sworn, and examined.

Mr. *Ledgard*, in reply to the Chairman, stated that the Church Local Board would be willing to agree to a joint application to the Local Government with the Borough of Accrington for the disposal of their sewerage.

Mr. *Wills*, on behalf of Mr. *Petre*, stated that he would be willing to sell his land for the purpose of the sewerage scheme.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Thursday, 27th April 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Sir Gabriel Goldney.
Mr. Henry H. Fowler.
Mr. Garnier.

Mr. Hastings.
Mr. M'Laren.

BLACKBURN IMPROVEMENT BILL.

Counsel for the Bill :—Mr. *Pember*, Q.C., and Mr. *Dugdale*.
Agents :—Messrs. *Tahourdin*.

Preamble read the first time.

Petitions against the Bill were read from—

Corporation of Accrington.

Counsel :—Mr. *Stephens*, Q.C., and Mr. *Clifford*.

Agents :—Messrs. *Walker & Co*.

A Petition was also read from the Lancashire and Yorkshire Railway Company, but no parties appeared in support of the same.

Mr. *Pember*, Q.C., opened the case on behalf of the Promoters in support of the Preamble of the Bill, and called Mr. *William L. Gaine*, who was sworn, and examined.

Preamble read a second time.—Question “That the Preamble is proved,”—put, and *agreed to*.

[Adjourned till Monday, at Half-past Twelve o'clock.]

Monday, 1st May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Hastings.
Mr. M'Laren.

Mr. Blennerhassett.
Sir Gabriel Goldney.

BOLTON IMPROVEMENT BILL.

Counsel for the Bill:—Mr. *Pope*, Q.C., Mr. *Michael*, Q.C., and Mr. *Edge*.
Agents:—Messrs. *Dyson & Co.*

Preamble read the first time.

Petitions against the Bill were read from—

Know Mill Printing Company (Limited).
Counsel:—Mr. *Richards*, Q.C.
Agents:—Mr. *Bull*.

Duke of Bridgewater's Trustees.
Agents:—Messrs. *Rees*.

Sarah Ann Rostron.
Agents:—Messrs. *Johnston & Harrison*.

Lancashire and Yorkshire Telephonic Exchange Company (Limited).
Agents:—Messrs. *Rees*.

Bolton Rural Sanitary Authority.
Counsel:—Mr. *Clifford*.
Agents:—Messrs. *Lewin & Co.*

Petitions were also read from—

London and North Western Railway Company, and W. Appleton and others, but no parties appeared in support of the same.

BLACKBURN IMPROVEMENT BILL.

Clauses of the Bill *considered*.

Further consideration *postponed*.

BOLTON IMPROVEMENT BILL.

Mr. *Michael*, Q.C., on behalf of the Promoters, addressed the Committee in support of the Preamble of the Bill, and called Mr. *Robert Gudgeon Hinnell* and Mr. *Thomas Lever Rushton*, who were sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.]

Tuesday, 2nd May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Blennerhassett.
Mr. M'Laren.

Mr. Hastings.
Mr. Garnier.

BOLTON IMPROVEMENT BILL.

On behalf of the Promoters of the Bill—*continued*.

Mr. *Robert Gudgeon Hinnell* was re-called, and further examined.

Mr. *Robert Henry Swindlehurst* and Mr. *Joseph Jackson*, were sworn, and examined.

On

On behalf of the Petition of the Bolton Rural Sanitary Authority, Mr. *James Atherton*, Mr. *Frederick Thomas Whitehead*, Mr. *John Newton*, and Mr. *James Walsh*, were sworn, and examined.

Mr. *Clifford* addressed the Committee in support of the Petition of the Bolton Rural Sanitary Authority against the Bill.

Mr. *Michael*, Q.C., replied on behalf of the Promoters of the Bill.

Resolved, That clauses should be inserted in the Bill imposing the same liabilities as to all the districts, and that water should be supplied to all the townships.

[Adjourned till To-morrow, at Two o'clock.]

Wednesday, 3rd May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. M'Laren.
Mr. Garnier.

Mr. Hastings.
Sir Gabriel Goldney.

CHADDERTON IMPROVEMENT BILL.

Counsel :—Mr. *Littler*, Q.C., Mr. *Michael*, Q.C., and Mr. *O'Hara*.

Agent :—Mr. *J. C. Ball*.

Preamble read the first time.

Petitions against the Bill were read from—

Owners of houses, warehouses, and other property in the district.

Counsel :—Mr. *Pember*, Q.C., and Mr. *Pollock*.

Agents :—Messrs. *Grahames & Currey*.

Chamber Collieries Company (Limited), and others.

Counsel :—Mr. *R. S. Wright*.

Agents :—Messrs. *Sharpe & Co*.

Charles James Radcliffe.

Agents :—Messrs. *Sharpe & Co*.

Corporation of Oldham.

Counsel :—Mr. *Pember*, Q.C., and Mr. *Shiress Will*.

Agent :—Mr. *J. C. Rees*.

A Petition was also read from the Middleton and Tonge Improvement Commissioners, but no party appeared in support of the same.

BOLTON IMPROVEMENT BILL.

Mr. *George Swainson*, Mr. *Thomas Moscrop*, Mr. *Thomas Newbiggin*, and Mr. *Jonas Proctor*, were sworn, and examined.

Mr. *Robert Gudgeon Hinnell*, re-called, and further examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Thursday, 4th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. M'Laren.
Sir Gabriel Goldney.

Mr. Garnier.
Mr. Blennerhassett.
Mr. Hastings.

ACCRINGTON EXTENSION AND IMPROVEMENT BILL.

Mr. *Ledgard* brought up a Clause proposed to be inserted in the Bill, to carry out the intimation of the Committee of the 26th April.

Mr. *Michael*, Q.C., was heard against the Clause.

The consideration of the Bill was further adjourned.

BOLTON IMPROVEMENT BILL.

Preamble read a second time, amended, and *agreed to*.

Clauses of the Bill considered. Amendments made.

Consideration of the Bill further adjourned.

[Adjourned till Monday next, at Half-past Twelve o'clock.]

Monday, 8th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Hastings.
Sir Gabriel Goldney.

Mr. M'Laren.
Mr. Garnier.

CHADDERTON IMPROVEMENT BILL.

Mr. *Michael*, Q.C., addressed the Committee on behalf of the Promoters, in support of the Preamble of the Bill, and called Mr. *William Taylor*, Mr. *Thomas Newbiggin*, Mr. *George William Stevenson*, and Mr. *Frederick Tweedale*, who were sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Tuesday, 9th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Garnier.
Mr. M'Laren.

Sir Gabriel Goldney.
Mr. Hastings.

CHADDERTON IMPROVEMENT BILL.

Mr. *James Chadwick* and Mr. *Alfred Butterworth*, were sworn, and examined.

Mr. *Pember*, Q.C., was heard in support of the Petition of the Corporation of Oldham against the Preamble of the Bill.

Dr. *James Yates*, Mr. *Herbert Andrew*, Mr. *Samuel Buckley*, Mr. *William Wrigley*, and Mr. *Joseph Travis*, were sworn, and examined.

Mr.

Mr. *Michael*, Q.C., replied on behalf of the Promoters of the Bill.

Preamble read a second time, and Question, "That so much of the Preamble as has been heard by the Committee is proved,"—put, and *agreed to*.

[Adjourned till To-morrow, at One o'clock.]

Wednesday, 10th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Garnier.
Sir Gabriel Goldney.

Mr. M'Laren.
Mr. James Cowan.

CHADDERTON IMPROVEMENT BILL.

Mr. *Michael*, Q.C., was heard against the Petition of the Chamber Collieries, &c., against the Bill.

Mr. *Wright* was heard in support of the Petition.

The Committee decided to insert certain Clauses for the protection of the Petitioner.

Mr. *Frederick Tweedale* was re-called, and further examined.

Mr. *John Shaw*, sworn, and examined.

Mr. *Thomas Newbiggin* was re-called, and further examined.

Question, "That the Preamble, as amended, is proved,"—put, and *agreed to*.

Clauses of the Bill *considered*.

[Adjourned till To-morrow, at Two o'clock.]

Thursday, 11th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. Garnier.

Mr. James Cowan.
Mr. M'Laren.

MACCLESFIELD CORPORATION BILL.

Counsel:—Mr. *Michael*, Q.C., and Mr. *Fitzgerald*.

Agents:—Messrs. *Sharpe & Co*.

Preamble read the first time.

Mr. *Michael*, Q.C., was heard in support of the Bill, and called Mr. *Sam. Mosley*, Mr. *Joseph Barclay*, Mr. *James Barber*, Mr. *George W. Stevenson*, Mr. *William Bullock*, Mr. *Jabez Wright*, and Mr. Alderman *Clarke*, who were sworn, and examined.

Preamble amended.—Question, "That the Preamble, as amended, is proved,"—put, and *agreed to*.

Clauses *considered*.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 16th May 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Sir Gabriel Goldney.
Mr. Hastings.

Mr. Charles Parker.
Mr. Garnier.

MANCHESTER CORPORATION BILL.

Counsel for the Bill :—Mr. *Pope*, Q.C., Mr. *Michael*, Q.C., and Mr. *Balfour Browne*.
Agents :—Messrs. *Sherwood & Co.*

Preamble read the first time.

Petitions against the Bill were read from—

Theatre Royal, Manchester, Limited.

Counsel :—Mr. *Barker Greene*.

Agents :—Messrs. *Haggerty*.

Charles Bernard, Lessee of Prince's Theatre.

Agents :—Messrs. *Haggerty*.

Richard Bousfield Bainbridge, Lessee of Theatre Royal.

Agents :—Messrs. *Haggerty*.

D. & S. Wood.

Counsel :—Mr. *Bidder*, Q.C., Mr. *Tahourdin*, and Mr. *Jepson*.

Agents :—Messrs. *Tahourdin & Hargreaves*.

Messrs. Frederick Andrew and others.

Counsel :—Mr. *Tahourdin* and Mr. *Jepson*.

Agents :—Messrs. *Tahourdin & Hargreaves*.

Newton Heath Local Board.

Agents :—Messrs. *Wyatt, Hoskins, & Hooker*.

Lancashire and Cheshire Telephonic Exchange Company, Limited.

Counsel :—Mr. *Philbrick*, Q.C.

Agents :—Messrs. *Rees*.

Corporation of Stockport and others.

Counsel :—Mr. *Pembroke Stephens* and Mr. *Worsley Taylor*.

Agents :—Messrs. *Lewin & Co.*

Owners, &c. in Manchester.

Counsel :—Mr. *Philbrick*, Q.C.

Agents :—Messrs. *Rees*.

Petitions were also read from the London and North Western Railway Company, Stratford Local Board, Moss Side Local Board, Messrs. Crossley Brothers, Withington Local Board, Charles Mackintosh & Co. and others, Crumpsall Local Board, Lancashire and Yorkshire Railway Company, Bradford Local Board, and Rusholme Local Board, but no parties appeared in support of these Petitions.

Mr. *J. G. Talbot* was sworn, and stated that the attendance of Mr. Edward Graves was essential to establish the case of the Promoters, and that his attendance could not be obtained without the intervention of the House.

Mr. *Michael*, Q.C., was heard to open the case of the Promoters in support of the Preamble of the Bill.

Ordered, To report the same to the House.

Sir *Joseph Heron* and Mr. *James Frederick Bateman* were sworn, and examined.

In support of the Petition of the Corporation of Stockport, Mr. *John Walthew*, Mr. *John M'Clure*, and Dr. *Edwin Rayner* were sworn, and examined.

Mr. *Pembroke Stephens*, Q.C., addressed the Committee on behalf of the Corporation of Stockport.

Mr. *Pope*, Q.C., replied on behalf of the Promoters.

The Committee decided to agree to that part of the Preamble relating to the alteration of the reservoirs, but would require a Clause to be inserted increasing the minimum compensation.

Mr. *Baker Greene* was heard on behalf of the Petition of the Theatre Royal, Manchester, against the Bill.

[Adjourned till To-morrow, at Half-past Twelve o'clock.]

Wednesday, 17th May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Garnier.
Mr. Charles Parker.

Mr. M'Laren.
Sir Gabriel Goldney.

MANCHESTER CORPORATION BILL—*continued.*

Mr. *Michael*, Q.C., was heard to open the case of the Promoters on behalf of Clause 29.

Mr. *Thomas Baker* and Mr. *C. M. Wood* were sworn, and examined.

Sir *Joseph Heron* re-called, and further examined.

Mr. *Thomas Slater* sworn, and examined on behalf of the Petition of the Manchester Theatre Royal against the Bill.

Clause 29 read.—Question put, "That this Clause stand part of the Bill."—The Committee divided:

Ayes, 2.

Mr. Garnier.
Mr. Charles Parker.

Noes, 3.

Mr. M'Laren.
Mr. Hastings.
Sir Gabriel Goldney.

Mr. *Michael*, Q.C., was heard as to Clause 32, and other Clauses.

Mr. *Tahourdin* was heard in support of the Petition of Messrs. F. Andrew and others against the Bill.

Mr. *Michael*, Q.C., was heard in support of that part of the Bill relating to Overhead Wires, &c.

Mr. *Philbrick*, Q.C., was heard in support of the Petition of the Lancashire and Cheshire Telephonic Exchange Company (Limited).

Mr. *John Allison* was sworn, and examined.

Mr. *Bidder*, Q.C., in support of the Petition of Messrs. D. & S. Wood against the Bill, called Mr. *Charles Clegg*, who was sworn, and examined.

[Adjourned till To-morrow, at Two o'clock.]

Thursday, 18th May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Garnier.
Mr. Charles Parker.
Mr. Hastings.

Mr. M'Laren.
Sir Gabriel Goldney.

MANCHESTER CORPORATION BILL—*continued.*

Mr. *Philbrick*, Q.C., stated that the Promoters of the Bill had agreed to substitute the Clauses in the Liverpool Corporation Bill in the present Session with respect to Telegraph and Telephone Wires, for the Clauses at present in this Bill.

Mr. *Balfour Browne* opened the case in support of the Street Arab Clauses in the Bill, and called Mr. *George Milner*, Mr. *Leonard Shaw*, and Mr. *C. M. Wood*, who were sworn, and examined.

Clause 42 read. Amendment proposed to leave out all the words after "all employment whatsoever," to the end of the Clause.—Question put, "That the words proposed to be left out stand part of the Clause."—The Committee divided:

Ayes, 2.
Mr. Hastings.
Mr. Charles Parker.

Noes, 3.
Mr. M'Laren.
Sir Gabriel Goldney.
Mr. Garnier.

Clause amended accordingly.

Question, "That Clauses 41 and 42 as amended, and Clauses 43, 44 and 45, stand part of the Bill."—The Committee divided:

Ayes, 4.
Mr. Hastings.
Sir Gabriel Goldney.
Mr. Garnier.
Mr. Charles Parker.

Noes, 1.
Mr. M'Laren.

Clause 46, *negatived*.

Sir *Joseph Heron* re-called, and examined as to the financial portion of the Bill.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 23rd May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Garnier.
Mr. Henry H. Fowler.
Mr. Charles Parker.

Sir Gabriel Goldney.
Mr. Hastings.
Mr. M'Laren.

NEWCASTLE-UPON-TYNE IMPROVEMENT BILL.

Preamble read the first time.

Counsel for the Bill:—Mr. *Pope*, Q.C., Mr. *Michael*, Q.C., and Mr. *Milbain*.
Agents:—Messrs. *Dyson & Co.*

Petitions against the Bill were read from—

North Eastern Railway Company.

Counsel:—Mr. *Meyser Thompson*.
Agents:—Messrs. *Sherwood & Co.*

From Newcastle-upon-Tyne and Gateshead Gas Company.

Mr. *Pope*, Q.C., addressed the Committee on behalf of the Promoters in support of the Preamble of the Bill, and called Mr. *William Lawes* and Mr. *Hill Moulton*, who were sworn and examined.

Question, "That the Preamble is proved,"—put, and *agreed to*.

Clauses considered.

[Adjourned till Thursday next, at Twelve o'clock.]

Thursday, 25th May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Garnier.
Mr. Henry H. Fowler.
Sir Gabriel Goldney.

Mr. Hastings.
Mr. Charles S. Parker.
Mr. M'Laren.

Mr. Michael, Q.C., brought up the following Model Clauses, which were drawn up for the consideration of the Committee, and was heard thereon:

"Infectious diseases" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Corporation under the provisions and for the purposes of this Act may from time to time declare to be infectious;

To be added to Interpretation Clause.

"Food" includes every article other than water used for food or drink by man.

1. From the prevention of infection from disease the following provisions in addition to those contained in the Public Health Acts shall take effect:—

Further powers with respect to the prevention of infection from disease.

1. The Corporation from time to time may by order direct any public or private school in which any infectious disease shall exist or from which any infectious disease shall appear on evidence satisfactory to the Corporation to have been distributed or situated in any neighbourhood affected by any infectious disease to be temporarily closed or suspended. The period of any such closing or suspension shall be stated in such order;
2. The Corporation may by order direct any shop dairy or place for the sale manufacture or storage of food or of clothing or any article liable to communicate any infectious disease or to retain any infection or any common lodging-house to be temporarily closed whenever from the appearance of infectious disease therein or in rooms in connection therewith such action appears to the Corporation to be necessary and may take all such means as seem to them desirable for preventing the entrance of the public thereinto or of the issue therefrom of any of the matters aforesaid. The period of such closing shall be stated in such order;
3. In case of the existence of any infectious disease in any house within the Borough the Corporation may issue an order declaring such house or any part thereof an infected place and forthwith until such order has been determined by another certifying it free from infection the following regulations shall in respect of such house or part of a house be observed:—
 - (a.) No person shall in any such house or part of a house exercise any indoor occupation which necessitates the handling of any food clothing or article likely to communicate any infectious disease or to retain infection and intended for sale or for the use of persons belonging to another family;
 - (b.) No person shall in any such house or part of a house conduct or transact any trade business or occupation to which the public have access;
 - (c.) No bedding clothing or other articles liable to communicate any infectious disease or to retain infection shall be removed from such house or part of a house without previous disinfection or without proper precautions (to the satisfaction of the Medical Officer of Health) for the purpose of being disinfected or destroyed;
 - (d.) When the room or rooms occupied by the persons suffering from any infectious disease can in the opinion of the Medical Officer of Health or of the registered medical practitioner (if any) attending such person be effectually separated and are so separated from the other parts of the same house or building the rooms so occupied only shall be deemed to be affected by such order and regulations;
 - (e.) No person dwelling in any such house or part of a house shall work at any other place in the same room with healthy persons except with the written permission of the Medical Officer of Health or of the registered medical practitioner (if any) attending the person suffering from such disease and after disinfection of the person and clothing;
4. No nurse attending on any person suffering from any infectious disease shall either at the same time or afterwards attend as nurse on any other person not being a person in the same house suffering from the same disease unless with the written permission of a registered medical practitioner and after disinfection of the person and clothing;

5. The Corporation may from time to time provide temporary shelter or house accommodation for poor persons living in any such house or part of a house and the Corporation shall provide such accommodation if so required by the order of a Court of Summary Jurisdiction on the application of any such person;
6. The Corporation may provide or contract with any person or persons to provide nurses for attendance upon persons suffering from infectious disease;
7. The Corporation shall make compensation to any person who shall have complied with the provisions of this section and who has thereby sustained loss but such compensation shall be in regard only of direct material and pecuniary loss and not in respect of any consequential loss or damage;

And any person who shall disobey or obstruct the execution of any order made by the Corporation under the foregoing provisions or who shall wilfully offend against any of the foregoing provisions shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day or part of a day during which such offence continues.

Notice to be given of persons suffering from infectious disease.

2. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall have effect (that is to say):

1. If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the Medical Officer of Health at his office;
2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person;
3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the Borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act;
4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the Medical Officer of Health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering;
5. The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution;
6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Other diseases may be declared to be within the foregoing provision.

3. The Corporation may from time to time by resolution on the report of the Medical Officer of Health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the Borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act;
2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given;
3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the Borough but the omission to send any such copy shall not affect the validity of such order.

4. On

4. On the certificate of the Medical Officer of Health or other legally qualified medical practitioner that any person within the Borough is suffering from infectious disease and is without lodging or accommodation proper for the treatment of the case and sufficient for the purpose of isolation so as to prevent the spread of the disease the Corporation may (unless the medical practitioner (if any) attending such person dissent therefrom in writing) give notice to the head of the family (resident in the same building) to which the person so suffering belongs requiring the removal forthwith of such person to a hospital provided by the Corporation for the reception and treatment of persons suffering from infectious disease or to any place of temporary accommodation provided by them for that purpose and that if such notice is not complied with application will be made to a Court of Summary Jurisdiction (at a time and place to be stated in the notice) for an order for such removal. Provided that if there is no such head of the family so resident or if such head of the family is absent from the Borough or cannot be found such notice may be given to the person so suffering. Any notice under this section shall be sufficiently given by leaving the same addressed to the person to whom it is given upon the premises in which the person suffering as aforesaid is lying. If the person to whom such notice is given consents the Corporation may forthwith remove the person so suffering to such hospital or place of accommodation as aforesaid but if the person to whom such notice is given refuses to consent to such removal or to be removed or is by reason of age disease or otherwise incapable of giving such consent such Court may at the time and place mentioned in such notice on the application of the Corporation and after hearing the evidence (if any) which may be adduced by or on behalf of the person to whom such notice has been given make an order for the removal of the person so suffering to such hospital or place of accommodation as aforesaid. Such order may be addressed to an officer of the Corporation or to any constable of the Borough and any person who disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings. The Corporation shall defray all expenses incurred by them in respect of the conveyance of such person to such hospital or place of accommodation and his maintenance and treatment therein.

Removal to hospital of persons suffering from infectious disease and without proper accommodation.

5. If any person residing in or in any way employed or engaged in any shop dairy or place for the sale manufacture or storage of food or of clothing or any article liable to communicate any infectious disease or to retain any infection shall be seized with any infectious disease the occupier or the person having the charge management or control of such shop dairy or place shall immediately the same comes to his knowledge give notice thereof to the Medical Officer of Health.

Occupiers of dairies &c. to give notice of disease.

6. No person shall without the sanction in writing of a Medical Officer of Health sell or deliver within the Borough any milk provisions clothing or any other article liable to communicate any infectious disease or to retain infection which has to the knowledge of such person been brought from any farmhouse dairy or other place beyond the Borough in which any person resides or is employed or engaged who is or has recently been suffering from any infectious disease or which after any such person so suffering has been removed or has recovered from such disease has not been thoroughly disinfected.

Prohibiting sale &c. of milk &c. brought from infectious places beyond the Borough.

7. No person shall deposit in any midden ash-pit ash-tub sink drain or sewer any night-soil urine or other discharge from any person suffering from any infectious disease nor any refuse rubbish slops or article likely to communicate any infectious disease or to retain infection without previously disinfecting the same.

Infected matter not to be deposited in middens &c.

8. Whenever it shall be certified to the Corporation by the Medical Officer of Health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such Medical Officer of Health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the Corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the Borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Cowkeepers and others to furnish lists of customers in certain cases.

9. Where the Corporation are of opinion on the certificate of their Medical Officer of Health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such house or part thereof the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section. And any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

10. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the supply of books &c. from public libraries to infected houses.

11. No librarian or person in charge of or engaged in any public or circulating library shall knowingly supply therefrom any book magazine pamphlet or newspaper to any person residing in a house or part of a house in which there is or has within six weeks previously been any person suffering from any infectious disease and which shall not have been disinfected to the satisfaction of the Corporation and no person residing in such house or part of a house shall take or receive any such book magazine pamphlet or newspaper from any public or circulating library and any person knowingly offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Prohibiting scholars and teachers of public schools from attending school while residing in infected house.

12. If any scholar or any teacher of any Public Elementary School within the Borough shall reside in any house or part of a house in which there shall be any person who is suffering from any infectious disease such scholar or teacher while so residing and until the person so suffering has been removed or has recovered from such disease and the said house or part of a house has been thoroughly disinfected to the satisfaction of the Corporation shall not attend school without the certificate of the Medical Officer of Health or of a registered medical practitioner that he can do so without danger of spreading disease and if any such scholar or teacher knowingly offend against this enactment such teacher or the parent or guardian of such scholar shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Provided that if the Corporation enforce the provisions of this section against any teacher who on application to the Medical Officer of Health has been refused such certificate as aforesaid and is thereby deprived of employment the Corporation shall make compensation to such teacher for any direct loss he may have sustained thereby but not in respect of any consequential loss.

Prohibiting the retention of dead bodies in certain cases.

13. No person shall without the sanction in writing of the Medical Officer of Health retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Provisions with regard to bodies of persons dying from infectious disease.

14. The occupier or person having charge or control of any house or building in which the dead body of any person who has died of any infectious disease other than typhoid relapsing or puerperal fever is retained previous to interment shall not permit the assembling in such house or building of the relatives or friends of the deceased and shall disinfect such body or cause the same to be disinfected in such manner as the Corporation shall direct and shall cause such body to be enclosed in a tightly sealed coffin and shall not permit such coffin to be afterwards opened or removed from such house or building except for the purpose of being forthwith taken to a mortuary or buried and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

15. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Corporation and the Medical Officer of Health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Justices may in certain cases order dead bodies to be buried.

16. Where the dead body of any person who has died of any infectious disease remains unburied for more than forty-eight hours after death without the sanction of the Medical Officer of Health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner or where the dead body of any person remains unburied more than five days after death or is retained in any house or building for more than three days without being enclosed in a coffin any Justice may order the body to be removed at the cost of the Corporation to any mortuary provided by the Corporation and direct the same to be buried within a time to be limited in the order or may in the case of

of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the Relieving Officer to bury such body at the expense of the Poor Rate but any expense so incurred may be recovered by the Relieving Officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a Justice under this section shall be liable to a penalty not exceeding five pounds.

17. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

18. Any keeper of a common lodging house in the Borough who fails to give the notice required by section 84 of "The Public Health Act 1875" shall be liable to a penalty not exceeding five pounds and in the case of a continuing offence to a daily penalty not exceeding forty shillings.

Penalty for offences under section 84 of "The Public Health Act 1875."

19. No penalty under this part of this Act shall be recoverable except on the information or complaint of the Corporation.

Penalties only recoverable by Corporation.

20. Nothing in or done under this Act shall interfere with the operation or effect of "The Contagious Diseases Animals Act 1878" or of any order license or act of Her Majesty's Privy Council made granted or done or to be made granted or done thereunder or of any order regulation licence or act of a Local Authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk stores or milk shops to which this Act relates or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies milk or animals already passed or to be passed in this or any future Session of Parliament.

Saving for Acts relating to dairies animals &c.

Mr. Michael, Q.C., called Mr. Henry Edward Armstrong, Dr. Nicholas Hardcastle, Dr. George Bland, Dr. Edward Sergeant, Dr. Richard Clayton, Mr. Hill Mottram, Dr. John Livey, and Dr. Thomas Patterson, who were severally sworn, and examined.

The Chairman signed a plan in respect of the Accrington Extension and Improvement Bill, showing the arrangement that had been agreed upon between the Promoters and Mr. Petre.

[Adjourned till To-morrow, at half-past One o'clock.]

Friday, 26th May 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Hastings.
Mr. Henry H. Fowler.
Mr. Charles S. Parker.

Mr. Garnier.
Sir Gabriel Goldney.
Mr. M'Laren.

Police and Sanitary Clauses further considered.

Dr. Edward Sergeant, sworn, and examined.

Dr. Henry Edward Armstrong, re-called, and examined.

Proposed Clause, 1, read, and *disagreed to*.

On proposed Clause, 2.—Motion made, That this Clause be disagreed to—(Mr. M'Laren).
—Motion, by leave, *withdrawn*.

Proposed Clause, 2, *agreed to*.

Proposed Clause, 3, *disagreed to*.

Proposed Clause, 4, *agreed to*.

Proposed Clause, 5, read.—Question put, That this proposed Clause be agreed to.—The Committee divided:

Ayes, 2.

Mr. Hastings.

Mr. Charles S. Parker.

Noes, 4.

Mr. M'Laren.

Sir Gabriel Goldney.

Mr. Garnier.

Mr. Henry H. Fowler.

Proposed Clauses, 6 and 7, *disagreed to*.

Proposed Clauses, 8, 9, and 10, *agreed to*.

Proposed Clauses, 11—12, *disagreed to*.

Proposed Clause, 13, *agreed to*.

Proposed Clause, 14, *disagreed to*.

Proposed Clauses, 15—16, amended, and *agreed to*.

Proposed Clauses, 17—20, *agreed to*.

Police Clauses considered.

Mr. *Hill Mottram*, re-called, and examined.

Mr. *William Sheasby*, sworn, and examined.

[Adjourned till Monday 5th June, at half-past One o'clock.]

Monday, 5th June 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Sir Gabriel Goldney.

Mr. Charles S. Parker.

Mr. Garnier.

Mr. Hastings.

The Committee further considered the Model Clauses proposed to be inserted in each Bill before the Committee, and made amendments thereunto.

The NEWCASTLE-UPON-TYNE IMPROVEMENT BILL.

Clauses considered, amended, and *agreed to*.

[Adjourned till To-morrow, at Twelve o'clock.]

Tuesday, 6th June 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.

Mr. Garnier.

Mr. Charles S. Parker.

Mr. Hastings.

The Committee deliberated.

Mr.

1. ACCRINGTON EXTENSION and IMPROVEMENT BILL.

Mr. *Michael*, Q.C., on behalf of the promoters, explained certain alterations proposed to be made in the Bill.

Preamble read a second time, and amended by limiting the borrowing powers, and striking out the recitals as to the Extension.

Question, That the Preamble, as amended, is proved,—put, and *agreed to*.

Clauses considered, amended, and *agreed to*.

Several new Clauses *added*.

Ordered, To Report.

2. BLACKBURN IMPROVEMENT BILL.

Clauses further considered, amended, and *agreed to*.

Several new Clauses *added*.

Ordered, To Report.

3. BOLTON IMPROVEMENT BILL.

Clauses further considered, amended, and *agreed to*.

Several new Clauses *added*.

Ordered, To Report.

4. CHADDERTON IMPROVEMENT BILL.

Clauses further considered, amended, and *agreed to*.

Several new Clauses *added*.

Ordered, To Report.

5. MACCLESFIELD CORPORATION BILL.

Clauses further considered, amended, and *agreed to*.

Several new Clauses *added*.

Ordered, To Report.

[Adjourned till Thursday next, at Twelve o'clock.]

Thursday, 8th June 1882.

MEMBERS PRESENT:

Mr. SCLATER-BOOTH in the Chair.

Mr. M'Laren.
Mr. Hastings.

Mr. Charles S. Parker.
Mr. Henry H. Fowler.

DUNDEE POLICE BILL.

Preamble read the first time.

Counsel for the Bill:—Mr. *Michael*, Q.C., Mr. *Pembroke Stephens*.

Agent:—Mr. *Robertson*.

Petitions against the Bill were read from—

Dundee Harbour Trustees.

Agent:—Mr. *Loch*.

Also from Owners, &c., of warehouses and houses in Dundee, but no parties appeared in support of the same.

Mr. *Michael*, Q.C., addressed the Committee in support of the Preamble of the Bill, and called Mr. *Alexander*, who was sworn, and examined.

Preamble read a second time.—Question, That the Preamble is proved,—put, and agreed to.

Clauses considered.

Mr. *Alexander Hay Moncur* and Mr. *Thomas Thornton* were sworn, and examined.

DRAFT REPORT proposed by the *Chairman* brought up and read the first time, as follows :—

“ 1. In accordance with the Order of the House of 13th March 1882, the Committee have had referred to them the following Bills :—

- “ Accrington Extension and Improvement.
- “ Chadderton Improvement.
- “ Blackburn Improvement.
- “ Bolton Improvement.
- “ Manchester Corporation.
- “ Macclesfield Corporation.
- “ Newcastle-upon-Tyne Improvement.
- “ Dundee Police.

“ 2. They have examined these Bills in the usual way.

“ 3. They have heard, in each case, the evidence submitted in report of and in opposition to the preambles and clauses, and have passed the same with amendments.

“ 4. The subject-matter of these Bills is greatly more extensive than the subjects of special reference. All of them contained abundant illustration of the rapid growth and development which has marked private or local legislation of late years, especially under the important head of finance.

“ 5. It must be admitted that Parliament has given encouragement to the practice of seeking thus for variations from or amendment of the general law for the convenience of particular localities, and that experience thus gained has served, and may serve again to lay the foundation of useful Public Acts of general application. On the other hand, anomalies and irregularities have, undoubtedly, received the sanction without the full knowledge of Parliament, and it appears to the Committee that such provisions, whether justifiable or otherwise, should not, as is too often the case escape, by the mere fact of being unopposed by Petitioners, the publicity which their importance demands.

“ 6. The Committee have considered it their duty to examine closely the provisions of these Bills, whether opposed or unopposed, and have dealt freely with them by way of amendment, and they venture to recommend that some step should be taken by the House to secure more uniform supervision of the unopposed clauses in Private Bills.

“ 7. They have struck out a number of clauses proposing to give powers which may already be obtained by means of bye-laws under General Acts.

“ 8. As regards finance, the Committee have in no case permitted the repayment of a loan to be extended beyond the period of 60 years, which is the maximum period sanctioned by the Public Health Act, and for monies borrowed by the Metropolitan Board of Works. They recommend that means should be taken to secure in future a strict adherence to this maximum.

“ 9. They have, likewise, thought it expedient, in several instances, to subject the raising of loans required for the purposes of the respective Bills to the sanction, from time to time, of the Local Government Board, as is required in case of monies borrowed under the Public Health Act. This is, again, a requirement which might usefully be made in case of future applications to Parliament of a similar character.

“ 10. The Special Report which the Committee are instructed to make divides itself into two branches, viz., I. Sanitary, and II. Police Regulations.

“ I.—SANITARY REGULATIONS.

“ 11. The proposals for sanitary regulations deviating from, or in extension of, or repugnant to the general law may, again, be classified under the headings of, 1st. The notification, and 2nd. The prevention of, or otherwise dealing with, infectious disease.

“ 12. (1.) As to the first, the Committee had little difficulty in forming the opinion that the time has arrived when provisions of law on this subject may be sanctioned, at least, in the more important urban sanitary districts.

“(13.) It will be seen, by reference to Parliamentary Paper, 1872, which was prepared by the Local Government Board at the instance of the Committee, that in no less than 23 urban districts, legislation on this subject has been embodied in Private or Local Acts,

Acts, and that the experience thus gained, though in some cases only recent, has been uniformly satisfactory.

" 14. Further, it must be noticed that the Local Government Board, who are the department charged with the execution and supervision of the Public Health Act, have been parties to similar enactments in Provisional Order Bills passed by their authority through Parliament; notably in the case of the Manchester Provisional Order Act, 1878.

" 15. The terms of this Order have been followed in the clauses which the Committee have sanctioned for insertion in several of the Bills under notice, and they recommend, that in any future amendment of the Public Health Act, similar powers should be extended to all urban sanitary authorities, or, at least, that means should be devised for clothing them with such powers on application. A copy of these provisions is appended to this Report. Appendix, No. 1.

" 16. (2.) The clauses which have been submitted to the Committee for the prevention of, or otherwise dealing with, infectious diseases were, generally, of a different character.

" 17. They were, to a less extent, supported by precedent, were viewed with disfavour, or with hesitating approval by the Local Government Board in their report on the several Bills, and were obviously, in many cases, premature, as the powers for providing hospital accommodation, and for the compilation of bye-laws open to the promoting authorities under various Acts, had been inadequately availed of. Some of the powers sought appeared excessive and objectionable, others in conflict with the general law.

" 18. Those which have received sanction were, accordingly, few in number, and will be found in the Appendix to this Report. Appendix, No. 2.

" 19. Of the powers sought under this general head, two seem to require particular mention :

" (a.) Powers to the Corporation to close schools, and to exclude scholars from schools during the prevalence of infectious disease. These, though plausibly urged, seemed to the Committee objectionable and unnecessary; first, because the managers of public elementary schools (which form the vast majority of day schools within urban districts) ought to be held exclusively responsible for the exercise of a proper discretion on so important a matter; and secondly, because the managers have been, in fact, quite recently, under the 18th Article of the new Code, expressly required by the Education Department (presumably as a condition of participation in the grant) to conform to any intimation they may receive from the Sanitary Authority in regard to the necessity of such closing or exclusion.

" (b.) In this connection allusion should be made to certain clauses proposed for the regulation and limitation of the labour of children under school age who are employed in selling or hawking newspapers, &c. in the streets. The clauses are taken from the Education (Scotland) Act, 1878, and are working well in Glasgow. They have, thus, the sanction of a public Act of Parliament which is in operation throughout one of the three Kingdoms. They are designed to correct a serious evil, and the Committee have sanctioned their insertion, with one important modification.

" 20. A copy will be found in the Appendix.

Appendix, No. 3.

" II.—POLICE REGULATIONS, &c.

" 21. Many applications were made for police powers in excess of the general law by the promoters of the several Bills which the Committee felt themselves unable to sanction, except (as in the Blackburn case) where such powers were already in force within the borough, and as to which their re-enactment was only in the way of a consolidation of previous Acts.

" 22. Clauses, however, dealing with—

" (1.) Street music;

" (2.) Street betting, and

" (3.) The sale of coal in small quantities,

were approved on the precedent of the well known Metropolitan Police Acts. Other precedents are stated in the margin* for the above, and for the following provisions dealing with—

" (4.) Obstruction to footway; †

" (5.) The defacing of corporation public notices, or injuring corporate property; ‡

" (6.) For causing annoyance by affixing or delivering of objectionable advertisements; ‡

" (7.) For dealing with stray dogs. §

* Birkenhead,
Stalybridge,
Bradford,
Reading,
Huddersfield.

† Stalybridge,
Bradford,
Birkenhead.

‡ Leicester,
Oldham,
Derby,
Wigan,
Reading.

§ Birmingham,
Leeds,
Derby,
Huddersfield,
Wolverhampton.

"23. These were proved to be much needed, and to have worked well elsewhere. The Committee also sanctioned the exercise of a bye-law power for regulation of bicycles and velocipedes, on the precedent of the Highways and Locomotives Act.

"24. Copies of all these clauses will be found in the Appendix."

" Appendix, No 1.

" NOTIFICATION OF DISEASE.

Notice to be given of persons suffering from infectious disease.

"1. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall take effect (that is to say):—

"1. If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the Medical Officer of Health at his office ;

"2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person ;

"3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the Borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Second Schedule to this Act ;

"4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the Medical Officer of Health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering ;

"5. The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution ;

"6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provision.

"2. The Corporation may from time to time by resolution on the report of the Medical Officer of Health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

"1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the Borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act ;

"2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given ;

"3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the Borough but the omission to send any such copy shall not affect the validity of such order."

" Appendix,

" Appendix, No. 2.

" PROVISIONS AS TO DEALING WITH INFECTIOUS DISEASE.

" 1. Whenever it shall be certified to the corporation by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Cowkeepers and others to furnish lists of customers in certain cases.

" 2. Where the corporation are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the corporation than by the owner or occupier of such house or part thereof the corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section. And any person who shall obstruct any duly authorised officer of the corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further powers in relation to disinfection of premises.

" 3. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

" 4. No person shall without the sanction in writing of the registered medical officer the medical officer of health or of a registered medical man retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Prohibiting the retention of dead bodies in certain cases.

" 5. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the corporation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Bodies of persons dying in hospital, &c., of infectious diseases to be removed only for burial.

" 6. When the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the corporation to any mortuary provided by the corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to

Justices may in certain cases order dead bodies to be buried.

bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

"7. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

"8. The Corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough and shall be enabled to charge a reasonable sum for the service of any nurse provided by them."

" Appendix, No. 3.

" EDUCATIONAL.

Restriction on casual employment of children.

"1. After the passing of this Act no child under the age of fourteen years shall unless he has obtained a certificate of ability to read and write and of a knowledge of elementary arithmetic in terms of Section 5 of the Elementary Education Act 1876 be employed in any casual employment within the city after nine o'clock at night from the first day of April to the first day of October and after seven o'clock at night from the first day of October to the first day of April.

Definition of term "casual employment."

"2. Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever.

Penalty for employing a child in contravention of Act.

"3. Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

Definition of employment in case of parent.

"4. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain or who permits such child to be engaged in any such labour on its own behalf shall be deemed for the purposes of this Act to take such child into his employment.

Enforcement of Act by School Board or by inspectors of factories, &c.

"5. The provisions of this Act respecting the employment of children shall be enforced by the School Board of the city provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories workshops and mines respectively and not of the School Board to enforce the observance by the employers of children of the provisions of this Act respecting the employment of children in such factories workshops and mines but it shall be the duty of the School Board to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise."

" Appendix, No. 4.

" POLICE REGULATIONS.

Street musicians to depart when required to do so.

"1. Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purpose of betting.

"2. Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Control of coal dealers.

"3. Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or some efficient instrument whereby the purchaser may have his coals weighed and the coal shall on the request of the purchaser be weighed accordingly by the person delivering the same.

"Any person delivering coal as aforesaid and not provided with weights and scales or any instrument for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instrument for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

"4. If

" 4. If three or more persons shall be assembled together in any street at any time of the day or night [so as to obstruct the free passage of foot passengers along any footway of such street or] for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding Penalty on persons obstructing footway. and such persons shall be deemed to be assembled together for the purpose of assaulting insulting or annoying foot passengers within the meaning of this Act if being assembled together any one or more of them shall assault insult or annoy any foot passenger.

" 5. If any person destroys pulls down injures or defaces any boards or conveniences for the reception of advertisements or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of the Corporation or any notice of the position of a fire-plug or hydrant or any board provided by the Corporation on which any bye-law or part of a bye-law of the Corporation is painted or placed he shall for every such offence be liable to a penalty not exceeding forty shillings. Penalty on pulling down notice boards.

" 6. If any person affixes to any house building wall board or convenience or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

" 7. The Corporation may from time to time make and enforce bye-laws for regulating the use of bicycles in highways in the borough in the same manner as a county authority may by virtue of 'The Highways and Locomotives (Amendment) Act 1878' make and enforce bye-laws for that purpose in highways in their county but subject to the like confirmation as is required by that Act And for the purposes of this Section 'bicycle' shall include velocipede and other similar mechanical contrivance." Bye-laws as to bicycles.

Question, That the Draft Report be read a second time, paragraph by paragraph,—put, and *agreed to*.

Paragraphs 1 and 2, *agreed to*.

Paragraph 3, *amended*.—Amendment proposed at the end of the paragraph to add the following words, "The Committee are of opinion that a large number of the Clauses in such Bills deviating from the general law, are inserted without the knowledge of the inhabitants of the districts who would be affected by such enactments, and who have had no adequate means of making themselves heard against such Clauses; and, in point of fact, are generally unaware of the nature or effect of such Clauses"—(Mr. M'Laren).—Question put, That those words be there added.—The Committee divided:

Aye, 1.
Mr. M'Laren.

Noes, 3.
Mr. Hastings.
Mr. Henry H. Fowler.
Mr. Charles S. Parker.

Paragraph, as amended, *agreed to*.

Paragraph 7, amended, and *agreed to*.

Paragraphs 8—11, *agreed to*.

Paragraph 12 read.—Amendment proposed in the first line, to leave out all the words after the word "Committee" to the end of the paragraph, in order to insert the words "have had no authority to call evidence against the Clauses, and have relied to a great extent upon the fact that the Local Government Board are in favour of sanctioning provisions of law on this subject, at least in the more important urban sanitary authorities"—(Mr. M'Laren)—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 3.
Mr. Hastings.
Mr. Henry H. Fowler.
Mr. Charles S. Parker.

Noe, 1.
Mr. M'Laren.

Paragraph *agreed to*.

[Adjourned till To-morrow, at Two o'clock.]

Friday, 9th June 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. M'Laren.

Mr. Charles S. Parker.
Sir Gabriel Goldney.

DRAFT REPORT further considered.

Paragraph 13, amended, and *agreed to*.

Paragraphs 14—15, *agreed to*.

Paragraph 16, amended, and *agreed to*.

Paragraphs 17—18, *agreed to*.

Paragraphs 19—24, amended, and *agreed to*.

Several new paragraphs brought up, and added to the proposed Report.

Appendix *agreed to*.

Question, "That this Report, as amended, be the Report of this Committee to the House,"—put, and *agreed to*.

Ordered, To Report.

DUNDEE POLICE BILL.

Clauses further considered.

[Adjourned till Monday next, at Half-past Three o'clock.

Monday, 12th June 1882.

MEMBERS PRESENT :

Mr. SCLATER-BOOTH in the Chair.

Mr. Henry H. Fowler.
Mr. M'Laren.

Mr. Charles S. Parker.
Sir Gabriel Goldney.

DUNDEE POLICE BILL.

Clauses further considered.

Several new Clauses added.

Question, "That the Bill, as amended, be reported to the House,"—put, and *agreed to*.

Ordered, To Report.

A P P E N D I X.

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A P P E N D I X.

Appendix, No. 1.

NOTIFICATION OF DISEASE.

“ Infectious disease ” means and includes small-pox, cholera, typhus, typhoid, scarlet, relapsing, continued and puerperal fever, scarlatina and diphtheria, and such other disease as the Corporation under the provisions and for the purposes of this Act, may from time to time declare to be infectious.

1. In order to secure that due notice be given to the Corporation of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall take effect (that is to say):—

Notice to be given of persons suffering from infectious disease.

1. If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the Medical Officer of Health at his office ;
2. If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person ;
3. The Corporation shall provide and supply gratuitously to every registered medical practitioner resident or practising in the Borough who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars hereinafter mentioned in relation to such cases according to the form set forth in the Second Schedule to this Act ;
4. Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the Medical Officer of Health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering ;
5. The Corporation shall pay to every registered medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution ;
6. And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

2. The Corporation may from time to time by resolution on the report of the Medical Officer of Health and approved by the Local Government Board order that any infectious disease other than those specifically mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act.

Other diseases may be declared to be within the foregoing provision.

1. Any such order of the Corporation may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Corporation shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the Borough and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act ;
2. The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given ;
3. The Corporation shall immediately after any such order shall have been made send a copy thereof to each registered medical practitioner residing in the Borough but the omission to send any such copy shall not affect the validity of such order.

Appendix, No. 2.

PROVISIONS AS TO DEALING WITH INFECTIOUS DISEASE.

Cowkeepers and others to furnish lists of customers in certain cases.

1. WHENEVER it shall be certified to the corporation by the medical officer of health or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milkstore or milkshop the corporation may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the borough and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the corporation shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Further powers in relation to disinfection of premises.

2. Where the corporation are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the corporation than by the owner or occupier of such house or part thereof the corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Penalty on persons ceasing to occupy houses without previous disinfection or giving notice to owner or making false answers.

3. Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

Prohibiting the retention of dead bodies in certain cases.

4. No person shall without the sanction in writing of the registered medical officer the medical officer of health or of a registered medical man retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Bodies of persons dying in hospital &c. of infectious diseases to be removed only for burial.

5. If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the corporation and the medical officer of health certifies that in his opinion it is desirable in order to prevent the risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last-mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Justices may in certain cases order dead bodies to be buried.

6. Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a registered medical practitioner or is retained in a room in which persons live or sleep or where the dead body

body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of the corporation to any mortuary provided by the corporation and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial. Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

7. Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Corpses not to be carried in public conveyances.

8. The corporation shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and shall further provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the borough and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

Appendix, No. 3.

EDUCATIONAL.

1. After the passing of this Act no child under the age of fourteen years shall unless he has obtained a certificate of ability to read and write and of a knowledge of elementary arithmetic in terms of Section 5 of the Elementary Education Act 1876 be employed in any casual employment within the city after nine o'clock at night from the first day of April to the first day of October and after seven o'clock at night from the first day of October to the first day of April.

Restriction on casual employment of children.

2. Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever.

Definition of term "casual employment."

3. Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

Penalty for employing a child in contravention of Act.

4. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain or who permits such child to be engaged in any such labour on its own behalf shall be deemed for the purposes of this Act to take such child into his employment.

Definition of employment in case of parent.

5. The provisions of this Act respecting the employment of children shall be enforced by the School Board of the city provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories workshops and mines respectively and not of the School Board to enforce the observance by the employers of children of the provisions of this Act respecting the employment of children in such factories workshops and mines but it shall be the duty of the School Board to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

Enforcement of Act by School Board or by inspectors of factories &c.

Appendix, No. 4.

POLICE REGULATIONS.

Street musicians to depart when required to do so.

1. ANY householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Prohibition of persons assembling in streets for purpose of betting.

2. Any three or more persons assembled in any part of any street for the purpose of betting shall be deemed to be obstructing the street and each of such persons shall be liable to a penalty not exceeding forty shillings.

Control of coal dealers.

3. Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or some efficient instrument whereby the purchaser may have his coals weighed and the coal shall on the request of the purchaser be weighed accordingly by the person delivering the same.

Any person delivering coal as aforesaid and not provided with weights and scales or any instrument for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instrument for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings

Penalty on persons obstructing footway.

4. If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.

Penalty on pulling down notice boards.

5. If any person destroys pulls down injures or defaces any boards or conveniences for the reception of advertisements or any advertisement placard or bill affixed thereto or any placard or notice issued and put up by or under the direction of the Corporation or any notice of the position of a fire-plug or hydrant or any board provided by the Corporation on which any bye-law or part of a bye-law of the Corporation is painted or placed he shall for every such offence be liable to a penalty not exceeding forty shillings.

Prohibition of obscene bills, &c.

6. If any person affixes to any house building wall board or convenience or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

Bye-laws as to bicycles.

7. The Corporation may from time to time make and enforce bye-laws for regulating the use of bicycles in highways in the borough in the same manner as a county authority may by virtue of "The Highways and Locomotives (Amendment) Act, 1878." make and enforce bye-laws for that purpose in highways in their county but subject to the like confirmation as is required by that Act And for the purposes of this Section "bicycle" shall include velocipede and other similar mechanical contrivance.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

POLICE AND SANITARY
REGULATIONS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND .

AN APPENDIX.

*Ordered, by The House of Commons, to be Printed,
9 June 1883.*

226.

H.—22, 6, 83.

Under 4 oz.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

POST OFFICE (ANNUITIES AND LIFE ASSURANCE POLICIES);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
28 March 1882.*

Ordered,—[8th February 1882]:—THAT a Select Committee be appointed to inquire into the operation of the Act 27 & 28 Vict. c. 43, which authorises the Post Office to grant Annuities, and to issue Policies of Life Assurance.

Committee nominated—[21st February 1882]—of—

Lord Edmond Fitzmaurice.	Mr. Loder.
Mr. Harcourt.	Mr. Mitchell Henry.
Sir John Kennaway.	Mr. Sexton.
Lord Lymington.	Mr. Selater-Booth.
Mr. Storer.	Mr. Brand.
Mr. John Hollond.	Mr. Fawcett.
Mr. Charles Ross.	Mr. Duff.
Mr. Goschen.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the operation of the Act 27 & 28 Vict. c. 43, which authorises the Post Office to grant ANNUITIES, and issue POLICIES of LIFE ASSURANCE;—HAVE considered the Matters to them referred, and have agreed to the following REPORT:—

It has been shown by evidence laid before your Committee that the business which the Post Office was authorised to transact by the above-named Act, in granting Annuities and issuing Policies of Life Insurance, has failed in attracting anything more than a trifling amount of support. During the 17 years the Act has been in operation, the number of Life Policies issued has been 6,524, and the number of Annuity Contracts granted has been 12,435. Taking the latest returns, it appears that on the 31st December last the number of existing Life Policies was 4,557, and the number of existing Annuity Contracts was 8,962.

The average annual number of Annuities granted in the first three years after the passing of the Act was 236, and the average annual number in the three years ended 31st December last was 989; and although it thus appears that this business has been an increasing one, it has as yet only been developed to a trifling extent.

With regard to Life Insurance, the amount of business has actually been declining; for during the first three years after the Act came into operation, the average annual number of Policies issued was 510; whereas the average annual number during the three years ended 31st December last, has fallen to 261.

The total number of Life Insurance Policies issued was 6,524, of which no less than 4,171 were for the maximum amount which the Post Office is allowed to insure, viz., 100 l.; only 600 policies were issued for the minimum amount, viz., 20 l., and the average amount for which the entire policies were issued was about 79 l.

On inquiring into the causes which have led to this comparative failure, it appears to your Committee that they are chiefly as follows:—

I. The absence of personal solicitation and collection, and the necessity of a visit being made to post offices to pay the premiums in fixed sums and on specified dates.

II. The limited number of insurance and annuity post offices, and the early hours at which they are closed for the transaction of such business.

III. The limitation of the amounts for which Life Insurances can be effected, and Annuities granted, both as regards the maximum and minimum.

IV. The complicated character of the formalities which have to be gone through by those who desire to effect Life Insurance and purchase Annuities.

Your Committee have carefully considered to what extent the existing state of things can be improved, and although prepared to acknowledge that it cannot be remedied wholly, yet they think that much can be done to largely develop the business by increased facilities, and by introducing greater simplicity of arrangement, which would make it more attractive to the public.

With regard to the first of the four causes above enumerated which have prevented the development of the business, your Committee have come to the conclusion that it would be inexpedient for the Post Office to employ agents either for soliciting business or for a house to house collection of premiums. It has been suggested that letter carriers might be employed in this way, but

your Committee think that this would be undesirable, on the ground that it would tend to the neglect of the work for which they are primarily appointed, viz., the delivery of letters. A suggestion has also been made for the employment of agents not at present connected with the Post Office. To this proposal there is the objection that it would materially add to the expense. Your Committee, moreover, think that it would scarcely be expedient for the Government to attempt to obtain business through personal canvassing; such solicitation should be left to voluntary rather than to Government agency.

There is the further objection that the public might be misled by the statements of canvassing officials. These officers would have to be paid either by salary or by commission on the insurances effected by them. If they were paid by salary the expense would be heavy, and the return doubtful. If, on the other hand, they were paid by commission, it would be their object to obtain as much business for the Post Office as possible, and the Government would be held responsible for the statements made by their canvassing agents as to the advantages of Government Life Insurance. As these statements might occasionally be highly coloured, great embarrassment would ensue.

Your Committee are of opinion, that by the adoption of a plan which has been suggested and explained to them by Mr. J. J. Cardin, the Principal Bookkeeper in the Receiver and Accountant General's Office of the General Post Office, many of the difficulties which arise from the absence of personal canvassing and house to house collection of premiums would be obviated. It is proposed by this plan to connect the Insurance and Annuity business of the Post Office with the Post Office Savings Banks, so that deposits in any Post Office Savings Bank, or any part of such deposits might, on the request of the depositor, be applied to the payment of premiums for Life Insurances and Annuities, whether such deposits have been made specially for the purpose or otherwise. It is believed that the arrangement would lead to very considerable economy, and would materially simplify the present method of conducting the Insurance and Annuity business of the Post Office. Instead of its being necessary, as it now is, to go to a particular Post Office each time a weekly, fortnightly, monthly, or annual payment falls due, nothing further would be required of the depositor than the signing of a written order, that a portion of the Savings Bank deposits should be devoted to the payment of the premiums as they fall due; the order once given would continue in operation so long as there were any deposits from which the premiums could be paid, and the person who gave the order would be subject to no further trouble. In the event of the deposit account being exhausted, care would, of course, be taken to give the depositor ample notice of the fact. The order given to devote Savings Bank deposits to the payment of premiums might apply also to a similar use of the interest on a Savings Bank deposit or the dividends accruing on Government Stock purchased through the Post Office Savings Bank. Thus, a person who has any sum, say 50 *l.* or 100 *l.*, deposited in the Post Office Savings Bank, or invested in Government Stocks, might, by a simple order once given, have the interest on the sum devoted to secure for him a policy of life insurance or a deferred annuity. In view of the numerous advantages which would result from combining the Post Office Insurance and Annuity business with the Post Office Savings Banks, your Committee would recommend that the plan should be brought into operation with the least possible delay. It appears that other advantages besides those to which reference has already been made would result from its adoption.

It has been stated, in evidence given before your Committee, that at the present time Insurance and Annuity business can be transacted at only about 2,000 post offices; and as there are more than 6,700 Post Office Savings Banks, and the number is each year steadily increasing, it would follow that, by connecting the Insurance and Annuity business with the Post Office Savings Banks, the number of offices at which this particular class of business could be carried on would be more than trebled. In this way an important step would be taken to remedy the second of the four causes above enumerated, which have retarded the development of the Insurance and Annuity business of the Post Office. It may be further observed, that at the present time there are upwards of 2,734,000 depositors in the Post Office Savings Bank, and the number is increasing at the rate of more than 400,000 a-year. Steps could be taken to give in each depositor's book a short and clear description of the manner in

which

which Life Insurance and Annuities, or old-age pay, can be obtained through the Post Office Savings Banks. In this way every one of the 2,734,000 depositors can easily be made fully acquainted with the advantages of the new facilities about to be afforded.

The attention of your Committee has been directed to the fact that many Post Offices at which Savings Bank and Insurance and Annuity business is transacted, are closed at as early an hour as four o'clock. In order to suit the convenience of the industrial classes and others who might find it inconvenient to attend a post office until they leave work, your Committee consider it very desirable that the Post Office Savings Banks should be kept open to as late an hour as may be found practicable.

Your Committee have given much consideration to the important question involved in the restrictions imposed upon the amount of the Annuities and Policies of Insurance allowed to be granted by the Post Office under the Act now in operation, which provides that the Post Office shall not issue a Policy of Life Insurance for a sum less than 20 *l.* or exceeding 100 *l.*, and that no Annuity shall be granted for less than 4 *l.* or for more than 50 *l.* Your Committee consider that, for the following reasons, it will be expedient that with regard to both Policies of Insurance and Annuity Contracts, the existing minimum limits should be abolished, and that the Post Office should be authorised to grant Life Policies and Annuities for the smallest amounts which may be found practicable.

It appears that in very many instances the working classes desire to insure for a sum considerably less than 20 *l.* It is shown from the class of insurance business which is done by many of the large Friendly and Industrial Societies, where the average amount of the policies issued is only about 8 *l.*, that great numbers of people are glad to have the opportunity of making a provision which would include the funeral and other expenses in the event of their own death or of the death of a member of their family.

Your Committee also think that great advantage would result from abolishing the present minimum limit of the Annuities which are allowed to be granted. They attribute special importance to encouraging in every possible way the habit of making some provision for old age. Although it may be thought that few people would desire to purchase an Annuity for less than 4 *l.*, yet it appears that by the plan which has been proposed for connecting the Insurance and Annuity business with the Post Office Savings Banks, there would be no difficulty in enabling them to do so if they desired it. It would be possible by the deposit of a small sum, or by using the interest on savings bank deposits, to secure a Deferred Annuity, or adopting a more popular phrase—"old-age pay," to commence at a fixed period of, say, 60 years of age. Thus a person aged 30, who had 20 *l.* in the Post Office Savings Bank, might, by devoting the interest on that sum, secure about 3 *l.* 10 *s.* a year to commence to be paid to him when he reached the age of 60, without diminishing the amount of his deposit. Special attention should also be given to the advantages that would result by the purchase in early life of such deferred annuities, by the means of a single payment or by a series of payments. Your Committee consider it highly desirable that every possible encouragement should be given to this particular form of thrift.

By the plan, which is now in successful operation at the Post Office, of receiving shilling deposits in the form of postage stamps, it would be possible to devote these stamp forms to the payment of the premiums on an annuity or on a policy of insurance, and thus savings made penny by penny might be used to effect an insurance or to secure provision for old age.

In recommending that the present restriction upon the minimum amounts of Insurance and Annuities should be abolished, and that the Post Office should be authorised to grant policies of Insurance and Annuities for the smallest amounts that may be found practicable, your Committee would attach much importance to every possible facility being given to induce people to take the first step in commencing such a prudent provision for the future. If a person has once commenced to set aside the smallest sum, even a few pence a week, to insure his life or make a provision for old age, he will, as experience has shown, be stimulated thereby not only to continue in such a course but to increase the amount devoted to this purpose, if his means admit of his doing so.

With regard to the present maximum amount of the policies of insurance

allowed to be issued being fixed at 100*l.*, and of annuities at 50*l.*, your Committee would recommend that in each case the amount should be increased to 200*l.* If the maximum amount which could be insured were kept at its present limit of 100*l.*, a depositor aged 30, who had 150*l.* or 200*l.* in the Post Office Savings Bank, and who wished to devote the interest to effect a policy of insurance, would be unable to do so, because the amount which the interest on that sum would insure would exceed 100*l.* It is, moreover, to be remarked that by existing Acts, Friendly Societies are allowed to issue policies for amounts up to 200*l.* And the Royal Commission on Friendly Societies, which reported in 1874, recommended that the Post Office should be allowed to issue policies for as large an amount as Friendly Societies.

With regard to the advantages to be expected from raising the present limit for annuities from 50*l.* to 200*l.*, it may be mentioned by way of illustration that a person aged 30, who had 150*l.* deposited in the Post Office Savings Bank, and 300*l.* invested through the Post Office in Government Stock, might, by devoting the interest on these sums to the purchase of a deferred annuity, be able to secure at the age of 60 about 90*l.* a year, and if, when attaining the age of 60, he might wish to add to his annuity by devoting his savings bank deposit of 150*l.* and his investment in Government Stock of 300*l.* to the purchase of an immediate annuity, he would obtain about 42*l.*, making his total annuity to the end of his life 132*l.*

In considering the last of the four causes, before enumerated, which have retarded the development of the Insurance and Annuity business of the Post Office, your Committee have come to the conclusion that many of the formalities which have to be gone through by a person wishing to insure his life, or to purchase an annuity, are unnecessarily complicated, and might with great advantage be considerably simplified. Many of these can be remedied by the Post Office, whose officers have given evidence as to the possibility of dealing with them.

If the proposal is carried out of allowing policies of insurance for very small amounts to be issued, it is possible that the trouble and loss of time involved in obtaining a medical certificate would be a serious obstacle to the development of such a class of business. If a man wishes to insure for a small sum, say 5*l.*, he might think it hardly worth his while to go through the worry of a medical examination. A medical certificate, if it is to be regarded as of any practical value, ought to be based upon a thorough medical examination, and the extent and nature of this examination ought not to depend upon the amount to be insured. The examination, moreover, if reliance is to be placed upon it, should be undertaken by a competent medical man, who ought to receive a fair remuneration for his time and labour, and the amount which would have thus to be expended might materially add to the expense of conducting an insurance business for small amounts.

It has been suggested to your Committee that in the event of the medical certificate being dispensed with for insurances for small amounts, certain safeguards might be adopted which would adequately protect the Post Office against any risk of loss. Thus it has been proposed that in the case of an insurance being effected without a medical certificate, only a part of the amount of the policy should be paid if the insurant died within a certain period, and that only one-half of his first premium should be returned if he died before the second premium became due. The precise character, however, of these conditions would depend upon actuarial calculations to be made hereafter. Your Committee, however, are not prepared on the data before them, to recommend that the medical examination should be dispensed with. But if the Post Office should think it desirable to grant policies below 25*l.* without an examination, but with the safeguards just enumerated, your Committee consider that it should be done only experimentally, and by regulations which could be altered at any time if necessary. Your Committee further consider that in any case, should this experiment be tried, an option should be afforded to those who were willing to furnish a satisfactory medical certificate, of being entitled to the full benefit of insurance immediately the policy is granted.

The Post Office is not authorised to insure the life of any person above the age of 60, or below 16 years of age. Your Committee would recommend that the maximum age be increased to 65. As regards the minimum age, it has been represented that in the case of those small insurances which are chiefly

chiefly made with the object of paying funeral and medical expenses, and providing mourning, the motive which prompts a father and mother to insure their own lives must make them equally desirous to insure the lives of their children. Your Committee would therefore recommend that the insurance of small amounts, say, not exceeding 5 *l.*, should be permitted in the case of children between 8 and 14 years, and that the age when the life of a person can be insured for the full amount should be reduced from 16 to 14. In recommending this extension of insurance to children, your Committee attribute much importance to the encouragement which may thus be given to continue insurance in after life.

By the Act 16 & 17 Vict. c. 45, s. 2, it is provided that no annuity granted under that Act shall be granted to or for the benefit of any person under the age of 10 years. Your Committee, recognising the importance of encouraging amongst young persons the habit of making some provision for the future through annuities, would recommend that the limit of age should be reduced to five years. Annuity tables have not yet been prepared to show the premiums payable by children under 10 years of age, but it is estimated, that if a child at five years of age commenced saving a penny a week, old age pay could be obtained of about 5 *l.* a-year, commencing at the age of 60.

This saving of a penny a week could be effected by means of the stamp slips now in use. For all that would be required would be to place a postage stamp upon one of these slips each week, and send the slip at the end of each three months to the nearest Post Office Savings Bank.

It appears from evidence given before your Committee that the terms on which the Post Office transacts its Insurance and Annuity business are regulated by tables which are prepared by the National Debt Commissioners, and are sanctioned by the Treasury. Sir Rivers Wilson, the Comptroller, and Mr. Finlaison, the Actuary, of the National Debt Office, were examined, and stated in their evidence that when the valuation for the quinquennial period terminating on the 31st December 1880, was made, the liabilities on the Insurance Account were 52,084 *l.*, and the assets were 83,329 *l.* On the Deferred Annuity Account the liabilities were 96,000 *l.*, and the assets 93,485 *l.* It consequently appears that, up to the present time, on an aggregate liability of 148,084 *l.*, there is a profit of 28,730 *l.* Although this profit is considerable, the amount of business transacted is too small to warrant the conclusion that the tables have been fixed at too high a rate. Your Committee, while fully recognising the importance of protecting the State in carrying on Insurance and Annuity business against any risk of loss, at the same time consider that the public should have an opportunity of insuring their lives, and of purchasing annuities on the lowest terms that are compatible with sound finance. In the preparation of the new tables which will be required to meet the case of insurance and annuities of smaller amounts than those now authorised, your Committee consider that account may be fairly taken of the diminished expense which would be involved in conducting the business when it has been connected with the Savings Bank in the manner now recommended. If it should be subsequently found that there is a considerable margin of profit on the Insurance and Annuity business transacted by the Post Office, your Committee are of opinion that a desirable encouragement would be given to thrift if those who insured were allowed to participate in the profits realised. Adopting the plan which is now in operation in most of the Insurance Societies, this participation in profit might take the form either of an addition being made to the amount of the policy of insurance, or of a reduction in the amount of the premiums required to be paid, or of the payment of a bonus.

The attention of your Committee has been directed to the fact that no premiums are returned upon the surrender of a policy of insurance through the Post Office until it has been in existence for five years, and it is thought that this period may be reduced to two years.

At the present time the premiums which are charged for an annuity are considerably higher (about 10 per cent.) in the case of a woman than in the case of a man, while the insurance rates are the same in both cases. Your Committee consider it important that the attention of the National Debt Commissioners should be drawn to this subject with the view of seeing whether it is necessary to continue the additional charge which is made for an annuity in the case of a woman.

Your Committee are of opinion that it is desirable that every facility should be afforded to persons who may wish to insure their lives, or purchase annuities or old-age pay, in small amounts by means of single payments, so as to avoid all difficulties or trouble as regards the payment of renewal premiums, and at the same time protect the insurants or annuitants from the risk of their policies or contracts lapsing through default. Thus, a person aged 30, by paying a single premium of 1*l.*, might purchase a life insurance policy for 2*l.* 5*s.* 4*d.*, payable at his death.

The tables of rates of premiums should be few in number, and should be framed so as to show the initial rate at each age. Persons could then, by multiplying the rates, ascertain for themselves the amount of premium payable for any sum within the limits of the Act. Thus if a table showed that a person aged 30 could, by paying 2*s.* 10*d.* a year, purchase an annuity of 1*l.*, commencing at 60 years of age, a person wishing to secure an annuity of 13*l.* a year would be able to ascertain for himself that such an annuity would cost him 1*l.* 16*s.* 10*d.* a year. Tables might also be prepared under which premiums could be allowed to cease at a given age, or under which the amount of insurance could be paid at a given age.

It has been often suggested that the Post Office should combine with its Insurance and Annuity business some arrangement for the provision of sick pay. Although your Committee fully recognise the desirability of making such provision, they consider that it would not be expedient for the Government to undertake this class of business. Among the many objections that may be urged, it would appear that if the Government provided sick pay, they would be without the same protection from imposition which exists in the case of Friendly Societies, where the individual members have a direct interest in preventing their funds being improperly drawn upon, and further that a Government department would be involved in constant difficulty if it undertook a class of business which could not be managed according to strictly defined rules.

In order to give effect to the foregoing recommendations it will be necessary to provide, by legislation, that, in future, policies of insurance and annuities may be granted for any amounts not exceeding 200*l.*; that the minimum limit of age for insurances and annuities should be reduced to eight years and five respectively, under the restrictions previously described, and the maximum age for insurances should be increased to 65; and that the period after which the premiums on a surrendered policy should be returned should be two years instead of five. Your Committee would therefore recommend that, as soon as practicable, a Bill should be introduced to give effect to these proposed changes, and that a provision should be inserted in the Bill to the effect that any sums paid into a depositor's account in the Post Office Savings Banks for the purposes of insurance and annuity premiums should not be taken into account in calculating the maximum amount which may be paid into a depositor's account in any one year. A similar provision was inserted in the Act under which transfers are made from deposit accounts for purchasing Government stock through the Post Office Savings Banks.

Your Committee consider it the more important to pass the required Bill with the least possible delay, because until the limit for insurances and annuities, as well as the limits of age which may be sanctioned by Parliament are known, it would be impracticable to prepare the new regulations which will be necessary to give effect to the scheme, from which your Committee think great advantages would result, for connecting the Insurance and Annuity business of the Post Office with the Post Office Savings Banks.

28 March 1882.

PROCEEDINGS OF THE COMMITTEE.

Friday, 24th February 1882.

MEMBERS PRESENT :

Mr. Duff.
Mr. John Hollond.
Mr. Charles Ross.
Mr. Harcourt.
Sir John Kennaway.

Mr. Fawcett.
Mr. Loder.
Mr. Sexton.
Mr. Goschen.
Lord Lymington.

Mr. FAWCETT was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Half-past Twelve o'clock.]

Tuesday, 28th February 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Mr. Harcourt.
Mr. Brand.
Mr. Slater-Booth.
Mr. Mitchell Henry.
Lord Lymington.
Mr. Goschen.

Sir John Kennaway.
Mr. Duff.
Lord Edmond Fitzmaurice.
Mr. John Hollond.
Mr. Charles Ross.
Mr. Loder.

Mr. A. Turnor and Mr. J. J. Cardin were examined.

[Adjourned till Tuesday next, at Half-past Twelve o'clock.]

Friday, 3rd March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Lord Edmond Fitzmaurice.
Lord Lymington.
Mr. Loder.
Mr. Charles Ross.
Mr. Harcourt.
Mr. Brand.
Mr. John Hollond.

Mr. Duff.
Mr. Goschen.
Mr. Storer.
Sir John Kennaway.
Mr. Mitchell Henry.
Mr. Slater-Booth.

Mr J. J. Cardin was re-called and further examined.

Sir Charles Rivers Wilson, C.B., K.C.M.G., and Mr. A. J. Finlaison were examined.

[Adjourned till Tuesday next, at Half-past Twelve o'clock.]

Tuesday, 7th March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Sir John Kennaway.
Mr. Mitchell Henry.
Lord Edmond Fitzmaurice.
Lord Lymington.
Mr. Duff.

Mr. Harcourt.
Mr. Brand.
Mr. Goschen.
Mr. Slater-Booth.
Mr. John Hollond.

Mr. *George Howell* was examined.

[Adjourned till Friday next, at One o'clock.]

Friday, 10th March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Mr. Harcourt.
Mr. John Hollond.
Mr. Charles Ross.
Mr. Mitchell Henry.
Lord Lymington.
Lord Edmond Fitzmaurice.

Mr. Brand.
Mr. Loder.
Mr. Goschen.
Mr. Slater-Booth.
Mr. Duff.

Mr. *M. N. Adler*, and Mr. *Fletcher Norton* were examined.

[Adjourned till Tuesday next, at Two o'clock.]

Tuesday, 14th March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Mr. Harcourt.
Mr. John Hollond.
Mr. Duff.
Mr. Brand.

Sir John Kennaway.
Mr. Goschen.
Mr. Slater-Booth.

Mr. *Fletcher Norton* and Mr. *J. J. Cardin* were further examined.

[Adjourned till Tuesday next, at half-past Two o'clock.]

Tuesday, 21st March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Mr. Slater-Booth.
Mr. Mitchell Henry.
Lord Edmond Fitzmaurice.
Mr. Brand.

Mr. Harcourt.
Mr. John Hollond.
Sir John Kennaway.
Lord Lymington.

Rev. *W. L. Blackley* was examined.

[Adjourned till Tuesday next, at half-past Twelve o'clock.]

Tuesday, 28th March 1882.

MEMBERS PRESENT :

Mr. FAWCETT in the Chair.

Mr. Selater-Booth.
Mr. Mitchell Henry.
Mr. John Hollond.
Mr. Brand.
Mr. Goschen.
Mr. Harcourt.
Lord Edmond Fitzmaurice.

Mr. Charles Ross.
Mr. Storer.
Mr. Loder.
Sir John Kennaway.
Mr. Duff.
Mr. Sexton.
Lord Lymington.

DRAFT REPORT proposed by the *Chairman*, brought up and read the first time, as follows :

" 1. It has been shown by evidence laid before your Committee that the business which the Post Office was authorised to transact by the above-named Act, in granting Annuities and issuing Policies of Life Insurance, has failed in attracting anything more than a trifling amount of business. During the 17 years the Act has been in operation, the number of Life Policies issued has been 6,524, and the number of Annuity Contracts granted has been 12,435. Taking the latest returns, it appears that on the 31st December last the number of existing Life Policies was 4,557, and the number of existing Annuity Contracts was 8,962.

" 2. The average annual number of Annuities granted in the first three years after the passing of the Act, was 103, and the average annual number in the three years ended 31st December last was 989 ; and although it thus appears that this business has been an increasing one, it has yet only been developed to a trifling extent.

" 3. With regard to Life Insurance, the amount of business has actually been declining ; for during the first three years after the Act came into operation, the average annual number of Policies issued was 510 ; whereas the average annual number during the three years ended 31st December last, has fallen to 261.

" 4. The total number of Life Insurance Policies issued was 6,524, of which no less than 4,171 were for the maximum amount which the Post Office is allowed to insure, viz., 100 £ ; the average amount of the entire policies issued being about 79 £.

" 5. On inquiring into the causes which have led to this comparative failure, it appears to your Committee that they are chiefly as follows :

" I. The absence of personal solicitation and collection, and the necessity of a visit being made to post offices to pay the premiums in fixed sums, and on specified dates.

" II. The limited number of assurance and annuity post offices, and the early hours at which they are closed for the transaction of such business.

" III. The restricted amounts for which Life Insurances can be effected and Annuities granted.

" IV. The cumbrous character of the formalities which have to be gone through by those who desire to effect Life Insurance and purchase Annuities.

" 6. Your Committee have carefully considered to what extent the existing state of things can be remedied, and although prepared to acknowledge that it cannot be remedied wholly, yet they think that much can be done to largely develop the business by increased facilities, and by introducing greater simplicity of arrangement, which would make it more attractive to the public.

" 7. With regard to the first of the four causes above enumerated which have prevented the development of the business, your Committee have come to the conclusion that it would be inexpedient for the Post Office to employ agents either for soliciting business or for a house to house collection of premiums. It has been suggested that letter carriers might be employed in this way, but it has been represented that this would be undesirable, on the ground that it would tend to the neglect of the work for which they are primarily appointed, viz., the delivery of letters. A suggestion has also been made for the employment of agents not at present connected with the Post Office. To this proposal there is the objection that it would materially add to the expense. Your Committee, moreover, think that it would scarcely be expedient for the Government to attempt to obtain business through personal canvassing ; such solicitation should be left to voluntary rather than to Government agency.

" 8. Your Committee are of opinion that by the adoption of a plan which has been suggested and explained to them by Mr. J. J. Cardin, the Principal Book-keeper, Receiver and Accountant General's Office of the General Post Office, many of the difficulties which arise from the absence of personal canvassing and house-to-house collection of premiums would be obviated. It is proposed by this plan to connect the Insurance and Annuity business of the Post Office with the Post Office Savings Banks, so that deposits in any Post Office Savings Bank, or any part of such deposits might, on the request of the depositor, be applied to the payment of premiums for Life Insurances and Annuities, whether such deposits have been made specially for the purpose or otherwise. It is believed that the arrangement would lead to very considerable economy, and would materially simplify the present method of conducting the Insurance and Annuity business of the Post Office. Instead of its being necessary, as it now is, to go to a particular Post Office each time a weekly, fortnightly, monthly, or annual payment falls due, nothing further would be required than the signing of a written order that a portion of the Savings Bank deposit should be devoted to the payment of the premiums as they fall due; the order once given would continue in operation so long as there were any deposits from which the premiums could be paid, and the person who gave the order would be subject to no further trouble. In the event of the deposit account being exhausted, care would, of course, be taken to give the depositor ample notice of the fact. The order given to devote Savings Bank deposits to the payment of premiums might apply also to the like use of the interest on a Savings Bank deposit or the dividends accruing on Government Stock purchased through the Post Office Savings Bank. Thus a person who has any sum, say 50 l. or 100 l., deposited in the Post Office Savings Bank or invested in Government Stocks, might, by a simple order once given, have the interest on the sum devoted to secure for him a policy of life insurance or a deferred annuity. In view of the numerous advantages which would result from combining the Post Office Insurance and Annuity business with the Post Office Savings Banks, your Committee would recommend that the plan should be brought into operation with the least possible delay. It appears that other advantages besides those to which reference has already been made would result from its adoption.

" 9. It has been stated, in evidence given before your Committee, that at the present time Insurance and Annuity business can be transacted at only about 2,000 post offices; and as there are more than 6,700 Post Office Savings Banks, and the number is each year steadily increasing, it would follow that, by connecting the Insurance and Annuity business with the Post Office Savings Banks, the number of offices at which this particular class of business could be carried on would be more than trebled. In this way an important step would be taken to remedy the second of the four causes above enumerated, which have retarded the development of the Insurance and Annuity business of the Post Office. It may be further observed, that at the present time there are upwards of 2,734,000 depositors in the Post Office Savings Bank, and the number is increasing at the rate of 400,000 a-year. Steps could be taken to give in each one of these depositors' books a short and readily understood description of the manner in which Life Insurance and Annuities, or old-age pay, can be obtained through the Post Office Savings Banks. In this way every one of the 2,734,000 depositors can easily be made fully acquainted with the advantages of the new facilities about to be afforded.

" 10. The attention of your Committee has been directed to the fact that many Post Offices at which Savings Bank and Insurance and Annuity business is transacted, are closed at as early an hour as four o'clock. In order to suit the convenience of the industrial classes and others who might find it inconvenient to attend a post office until they leave work, your Committee consider it very desirable that the Post Office Savings Banks should be kept open to as late an hour as may be found practicable.

" 11. Your Committee have given much consideration to the important question involved in the restrictions imposed upon the amount of the Annuities and Policies of Insurance allowed to be granted by the Post Office under the Act now in operation, which provides that the Post Office shall not issue a Policy of Life Insurance for a sum less than 20 l. or exceeding 100 l. And no Annuity shall be granted for less than 4 l. or for more than 50 l. Your Committee consider that, for the following reasons, it will be expedient that with regard to both Policies of Insurance and Annuity Contracts, the existing minimum limits should be abolished, and that the Post Office should be authorised to grant Life Policies and Annuities for the smallest amounts which may be found practicable.

" 12. It appears that in very many instances the working classes desire to insure for a sum considerably less than 20 l. It is shown from the class of insurance business which is done by many of the large Friendly and Industrial Societies, where the average amount of the policies issued is only about 8 l., that great numbers of people would be glad to have the opportunity of making a provision which would defray the funeral expenses in the event of their own death or of the death of a member of their family, and which would pay the doctor's bill, and enable them to purchase mourning.

" 13. Your Committee also think that great advantage would result from abolishing the present minimum limit of the Annuities which are allowed to be granted. They attribute

attribute special importance to encouraging in every possible way the habit of making some provision for old age. Although it may be thought that few people would desire to purchase an Annuity for less than 4*l.*, yet it appears that by the plan which has been proposed for connecting the Insurance and Annuity business with the Post Office Savings Banks, there would be no difficulty in enabling them to do so if they desired it. It would be possible by the deposit of a small sum, or by using the interest on savings banks deposits, to secure a Deferred Annuity, or adopting a more popular phrase, "old-age" pay, to commence at a fixed period of, say, 60 years of age. Thus a person aged 30, who had 20*l.* in the Post Office Savings Bank, might, by devoting the interest on that sum, secure about 3*l.* 10*s.* a year to commence to be paid to him when he reached the age of 60, without diminishing the amount of his deposit. Your Committee consider it highly desirable that every possible encouragement should be given to this particular form of thrift.

"14. By the plan, which is now in successful operation at the Post Office, of receiving shilling deposits in the form of postage stamps, it would be possible to devote these stamp forms to the payment of the premiums on an annuity or on a policy of insurance, and thus savings made penny by penny might be used to effect an insurance or to secure provision for old age.

"15. In recommending that the present restriction upon the minimum amounts of Insurance and Annuities should be abolished, and that the Post Office should be authorised to grant policies of Insurance and Annuities for the smallest amounts that may be found practicable, your Committee would attach much importance to every possible facility being given to induce people to take the first step in commencing such a prudent provision for the future. If a person has once commenced to set aside the smallest sum, even a few pence a week, to insure his life or make a provision for old age, he will, as experience has shown, be stimulated thereby not only to continue in such a course but to increase the amount devoted to this purpose, if his means admit of his doing so.

"16. With regard to the present maximum amount of the policies of insurance allowed to be issued being fixed at 100*l.*, and of annuities at 50*l.*, your Committee would recommend that in each case the amount should be increased to 200*l.*

"17. By the plan which is now proposed, of connecting the Insurance business with the Post Office Savings Bank, all those who insure with the Post Office would become savings bank depositors. If the maximum amount which could be insured were kept at its present limit of 100*l.*, a depositor aged 30, who had 150*l.* or 200*l.* in the Post Office Savings Bank, and wished to devote the interest to effect a policy of insurance, would be unable to do so, because the amount which the interest on that sum would insure would exceed 100*l.* It is, moreover, to be remarked that by existing Acts Friendly Societies are allowed to issue policies for amounts up to 200*l.* And the Royal Commission on Friendly Societies, which reported in 1874, recommended that the Post Office should be allowed to issue policies for as large an amount as Friendly Societies.

"18. Your Committee, in recommending that the maximum limit of annuities should be raised from 50*l.* to 200*l.*, consider that it is inexpedient to maintain the present restriction; and it is believed that with the additional facilities which are now proposed to be offered for the purchase of an annuity through the Post Office Savings Banks, many people will be enabled to secure an annuity of a larger amount than 50*l.* Thus, a person aged 30, who had 150*l.* deposited in the Post Office Savings Bank, and 300*l.* invested through the Post Office in Government Stock, would, by devoting the interest on these sums in the purchase of a deferred annuity, be able to secure at the age of 60 about 90*l.* a year, and if, when attaining the age of 60, he might wish to add to his annuity by devoting his savings bank deposit of 150*l.*, and his investment in Government Stock of 300*l.*, in the purchase of an immediate annuity, he would obtain 42*l.*, making his total annuity to the end of his life 132*l.*

"19. In considering the last of the four causes, before enumerated, which have retarded the development of the Insurance and Annuity business of the Post Office, your Committee have come to the conclusion that many of the formalities which have to be gone through by a person wishing to insure his life, or to purchase an annuity, are unnecessarily cumbrous, and might with great advantage be considerably simplified.

"20. If the proposal is carried out of allowing policies of insurance for very small amounts to be issued, the trouble and loss of time involved in obtaining a medical certificate would be a serious obstacle to the development of such a class of business. If a man wishes to insure for a small sum, say 5*l.*, he might think it hardly worth his while to go through the worry of a searching medical examination. A medical certificate, if it is to be regarded as of any practical value, ought to be based upon a thorough medical examination, and the extent and nature of this examination ought not to depend upon the amount to be insured. The examination, moreover, if reliance is to be placed upon it, should be undertaken by a competent medical man, who ought to receive a fair remuneration for his time and labour, and the amount which would have thus to be expended might materially add to the expense of conducting an insurance business for small amounts.

"21. It has been suggested to your Committee that in the event of the medical certificate being dispensed with for insurances for small amounts, certain safeguards might be adopted which would adequately protect the Post Office against any risk of loss. Thus it has been proposed that in the case of an insurance being effected without a medical certificate, only a part of the amount of the policy should be paid if the insurant died within a certain period, and that only one-half of his first premium should be returned if he died before the second premium became due. The precise character, however, of these conditions would depend upon actuarial calculations to be subsequently made. It is to be observed that many of the large industrial societies dispense with medical certificates in the case of insurance upon amounts not exceeding 50 *l.*, under safeguards such as those to which reference has just been made; and you Committee, in view of the obstacles which are placed in the way of insurance for small amounts, by the necessity of obtaining medical certificates, would recommend that medical examination be dispensed with by the Post Office in the case of policies not exceeding 25 *l.* As, however, it appears that the dispensing with a medical certificate would render it necessary to adopt some arrangement which would prevent the insurant being entitled to the full benefit of his insurance until some time after it was effected, your Committee would recommend that the option should be afforded to those who were willing to furnish a satisfactory medical certificate, of being entitled to the full benefit of insurance immediately the policy is granted.

"22. The Post Office is not authorised to insure the life of any person above the age of 60, or below 16 years of age. Your Committee would recommend that the maximum age be increased to 65. As regards the minimum age, it has been represented that in the case of those small insurances which are chiefly made with the object of paying funeral and medical expenses, and providing mourning, the motive which prompts a father and mother to insure their own lives must make them equally desirous to insure the lives of their children. Your Committee would therefore recommend that the insurance of small amounts, say, not exceeding 5 *l.*, should be permitted in the case of children of school age, that is, between 5 and 14 years, and that the age when the life of a person can be insured for the full amount should be reduced from 16 to 14. In recommending this extension of insurance to children, your Committee attribute much importance to the encouragement which may thus be given to continue insurance in after life. A youth who already possesses a policy of insurance when he begins to fare for himself, is certainly more likely to make an effort to save something in order to devote it to life insurance than he would if he had never been insured at all.

"23. By the Act 16 & 17 Vict. c. 45, s. 2, it is provided that no annuity granted under that Act shall be granted to or for the benefit of any person under the age of 10 years. Your Committee, recognising the importance of encouraging amongst young persons the habit of making some provision for the future through annuities, would recommend that, as in the case of insurances, the limit of age should be reduced to five years.

"24. It appears from evidence given before your Committee that the terms on which the Post Office transacts its insurance and annuity business are regulated by tables which are prepared by the National Debt Commissioners, and are sanctioned by the Treasury. Sir Rivers Wilson, the Comptroller, and Mr. Finlaison, the Actuary, of the National Debt Office, were examined, and stated in their evidence that when the valuation for the quinquennial period terminating on the 31st December 1880, was made, the liabilities on the Insurance Account were 52,084 *l.*, and the assets were 83,329 *l.* On the Deferred Annuity Account the liabilities were 96,000 *l.*, and the assets 93,485 *l.* It consequently appears that, up to the present time, on an aggregate liability of 148,084 *l.*, there is a profit of 28,730 *l.* Although this profit is considerable, the amount of business transacted is too small to warrant the conclusion that the tables have been fixed at too high a rate. Your Committee, while fully recognising the importance of protecting the State in carrying on Insurance and Annuity business against any risk of loss, at the same time consider that the public should have an opportunity of insuring their lives, and of purchasing annuities on the lowest terms that are compatible with sound finance. In the preparation of the new tables which will be required to meet the case of insurance and annuities of smaller amounts than those now authorised, your Committee consider that account may be fairly taken of the diminished expense which would be involved in conducting the business when it has been connected with the Savings Bank in the manner now recommended. If it should be subsequently found that there is a considerable margin of profit on the Insurance and Annuity business transacted by the Post Office, your Committee are of opinion that a desirable encouragement would be given to thrift if those who insured were allowed to participate in the profits realised. Adopting the plan which is now in operation in most of the insurance societies, this participation in profit might take the form either of an addition being made to the amount of the policy of insurance, or of a reduction in the amount of the premiums required to be paid.

"25. The attention of your Committee has been directed to the fact that no premiums are returned upon the surrender of a policy of insurance through the Post Office until it has been in existence for five years, and it is thought that this period may be reduced to two years.

"26. At the present time the premiums which are charged for an annuity are considerably higher (about 10 per cent.) in the case of a woman than in the case of a man. There

These higher premiums can only be justified on the ground that the expectation of life in the case of a woman is greater than in the case of a man. But if this is so, it seems to your Committee only fair that a woman should be able to insure her life on easier terms than a man. At the present time the insurance rates are the same for men and women.

"27. Your Committee are of opinion that it is desirable that every facility should be afforded to persons who may wish to insure their lives, or purchase annuities or old-age pay, in small amounts by means of single payments, thus avoiding all difficulties or trouble as regards the payment of renewal premiums, and at the same time protect the insureds or annuitants from the risk of their policies or contracts lapsing through default. Thus a person aged 30, by paying a single premium of 1 *l.*, might purchase a life insurance policy for 2 *l.* 5 *s.* 4 *d.*, payable at his death.

"28. The tables of rates of premiums should be few in number, and should be framed so as to show the initial rate at each age. Persons could then, by multiplying the rates, ascertain for themselves the amount of premium payable for any sum within the limits of the Act. Thus if a table showed that a person aged 30 could, by paying 2 *s.* 10 *d.* a year, purchase an annuity of 1 *l.*, commencing at 60 years of age, a person wishing to secure an annuity of 13 *l.* a year would be able to ascertain for himself that such an annuity would cost him 1 *l.* 18 *s.* 6 *d.* a year. Tables might also be prepared under which premiums could be allowed to cease at a given age, or under which the amount of insurance could be paid at a given age.

"29. It has been often suggested that the Post Office should combine with its insurance and annuity business some arrangement for the provision of sick pay. Although your Committee fully recognise the desirability of making such provision, they consider that it would not be expedient for the Government to undertake this class of business. Among the many objections that may be urged, it would appear that if the Government provided sick pay, they would be without the same protection from imposition which exists in the case of Friendly Societies, where the individual members have a direct interest in preventing their funds being improperly drawn upon. A Government department would be involved in constant difficulty if it undertook a class of business which could not be managed according to strictly defined rules. Thus it is evident that, although the Post Office Savings Banks have obtained a marked success, yet it would be most undesirable to make the Savings Banks include all the ordinary functions of banking. It would, for instance, be altogether beyond the province of a Government to decide to whom credit should be given and to whom credit should be refused. If it were in the power of a Government department to discount the bill of one individual and not to discount the bill of another, it would not unnaturally be supposed that an unlimited field would be opened for political favouritism.

"30. In order to give effect to the foregoing recommendations it will be necessary to provide, by legislation, that in future policies of insurance and annuities may be granted for any amounts not exceeding 200 *l.*; that the minimum limit of age for insurances and annuities should be reduced to five years under the restrictions previously described, and the maximum age for insurances should be increased to 65; and that the period after which the premiums on a surrendered policy should be returned should be two years instead of five. Your Committee would therefore recommend that, as soon as practicable, a Bill should be introduced to give effect to these proposed changes, and that a provision should be inserted in the Bill to the effect that any sums paid into a depositor's account in the Post Office Savings Banks for the purposes of insurance and annuity premiums should not be taken into account in calculating the maximum amount which may be paid into a depositor's account in any one year. A similar provision was inserted in the Act under which transfers are made from deposit accounts for purchasing Government stock through the Post Office Savings Banks.

"31. Your Committee consider it the more important to pass the required Bill with the least possible delay, because until the amount of insurance and annuities, and the limits of age which may be sanctioned by Parliament are known, it would be impracticable to prepare the new regulations which will be necessary to give effect to the scheme, from which your Committee think great advantages would result, for connecting the Insurance and Annuity business of the Post Office with the Post Office Savings Banks."

MOTION made, and Question, "That the Draft Report be read a second time, paragraph by paragraph,"—put, and *agreed to*.

DRAFT REPORT agreed to, with Amendments.

Question, "That this Report, as amended, be the Report of the Committee to the House,"—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESS.

NAME OF WITNESS.	PROFESSION OF CONDITION.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and Back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Rev. W. L. Blackley	Clergyman - - -	Micheldover -	1	1 1 -	1 1 -	2 2 -

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MINUTES OF EVIDENCE.

Tuesday, 28th February 1882.

MEMBERS PRESENT :

Mr. Brand.
Mr. Duff.
Mr. Fawcett.
Lord Edmond Fitzmaurice.
Mr. Goschen.
Mr. Harcourt.
Mr. Mitchell Henry.

Mr. John Hollond.
Sir John Kennaway.
Mr. Loder.
Lord Lymington.
Mr. Charles Ross.
Mr. Sclater-Booth.

MR. FAWCETT, IN THE CHAIR.

Mr. ALGERNON TURNOR, called in ; and Examined.

Chairman.

1. YOU hold the position of Financial Secretary of the Post Office?—Yes.

2. And you have devoted a good deal of attention to the amount of business which has been done by the Post Office with regard to Life Insurance and Annuities?—Yes.

3. That business may be generally described, may it not, as a failure compared with the other business that has been done at the Post Office?—I think it may be described as a comparative failure.

4. The amount that is done is small in itself, and on the whole shows a tendency rather to decrease than to increase?—It does, as regards life assurances. As regards annuities, there is an increase perceptible in the business.

5. The Act which authorised the Post Office to do this business, came into operation in the year 1864, did it not?—It was passed in 1864, and the scheme for carrying it out was completed in 1865.

6. And I believe that the number of policies effected in the 17 years since the Act has been passed has only been something like 6,000?—The number of life assurances in the 17 years has been 6,524.

7. Could you, without going into too much detail, give the number effected in a series of years, so as to show that the business has rather diminished than increased?—Yes; taking the life assurances, I find that in the year 1865 the number effected was 547; in the next year it was 621; and in the year after it fell to 364; and without going into each year, I may say that there has been a general decrease, till I find in 0.67.

Chairman—continued.

1880 there were only 258; there was a slight increase again last year, when the number was 300.

8. So that speaking generally, the number of life policies effected now is only about half what it was in the first year when the Act came into operation?—Yes, I think you may say so.

9. Then with regard to the annuity business, how many annuities have been granted since the Act came into operation?—The total number is 11,646; and that I may say shows an increase.

10. But that in 17 years would give an average of only about 600 a year?—About that.

11. What was the number in the last year?—In the year 1881 there were 956 contracts effected.

12. And this small amount of business done in life insurance and annuities is the more striking when it is contrasted with the remarkable development of the Post Office Savings Bank; the amount of business there has far exceeded all anticipations, I think?—Yes.

13. The figures show, do they not, that certainly as far as the insurances go, this insurance business which is done by the Post Office does not really meet the wants of the poor, inasmuch as our average policies are of an amount which is far larger than the poor could generally insure for, showing an average of something like 80 l.?—Yes; I think that is clearly the inference that might be drawn.

14. The minimum that can be insured for is 20 l., is it not?—It is.

15. Out of the entire number, there have been very few policies effected for the minimum amount

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Mr. TURNOR.

[Continued.]

Chairman—continued.

amount of 20 l., have there not?—Yes. I think about 600.

16. And for the maximum amount of 100 l. the number has been nearly two-thirds of the whole, over 4,000?—Yes.

17. So that as far as we can arrive at any conclusion from these figures, they show that the present system of insurance at the Post Office meets the wants of a class who are better off than the poor?—Yes, I think that is the result.

18. Private industrial societies, of which there are many in the country, and which do a very large amount of business, have a much lower minimum than the Post Office, have they not?—Yes.

19. They insure down to 5 l., I believe?—I think most of them.

20. And as far as we have been able to ascertain, the average amounts of the policies effected in some of these large industrial assurance societies are only about 8 l., are they?—Yes, about that.

21. So that whereas our policies average 80 l., the policies of the private industrial assurance societies only average 8 l.?—Yes.

22. With regard to the annuity business, have you any figures to give the Committee?—I may mention that the average amount of the annuities is 13 l. In the first year, 1865, we had 87 annuities, and the average of the annuities for that year was 24 l. From that date up to now there has been a fair increase of business. It proceeded somewhat in this manner: In 1866 we had 196 contracts; in 1867 we had 268 contracts, and so on, up to 360 in 1871. In 1872, 1873, and 1874, we had a very large increase, but that was due to our taking over certain business from the Admiralty; viz., the annuities to Greenwich Hospital pensioners in lieu of pensions, and in those years it rose to 1,019, 1,344, and 1,814; but those are very small annuities, and are really beside this Act altogether.

23. But although there has been an increase in the annuity business, the business is insignificant after all compared with the business that is done in other departments, for instance, in the Post Office savings banks. The maximum number of annuities that has been effected in any year has been about 1,100, whereas the number of depositors in the Post Office savings banks are increasing at the rate of more than 400,000 a year. Those figures bring out in a very striking way the failure?—Yes.

24. To what do you attribute this failure?—There are two main causes. One is, that the minimum is too high; that 20 l. for the assurance business is beyond the reach of most of the industrial classes, who generally wish to insure for small sums varying from 5 l. to 10 l. The other cause is the absence of any agency on the part of the Post Office to canvass for custom, and the trouble and difficulty of collecting the premiums.

25. You do not attribute it to the Post Office charging higher rates than are charged by private societies, because I think this result comes out, does it not, that taking the amount charged by 16 private societies for effecting an assurance of 20 l. on a life of 30 years, whereas the Post Office charges 2½ d. per week, the average amount

Chairman—continued.

charged by the private societies is somewhat over 3 d. per week?—I believe that is so.

26. And therefore that would tend to show that it is not that we charge too high a price, but that there are other causes more powerful than the price that is charged?—Yes.

27. You include in private societies, societies such as the Prudential and the Royal Liver, and others?—I think that the great bulk of the poorer classes insure in the friendly societies of various descriptions and names.

28. There is also a great amount of industrial assurance business done by some of these larger societies, is there not?—Yes.

Lord Edmond Fitzmaurice.

29. You include, I suppose, for example, the Manchester Unity of Odd Fellows and societies of that kind?—Yes.

Chairman.

30. Supposing that a man wishes to insure at the Post Office he insures by small weekly or monthly payments, and he has each time to go to the Post Office and pay his weekly or monthly premium. A plan has been suggested by Mr. Cardin (whom we shall examine after you, and who is an officer of much experience in the Post Office) by which he thinks, and many other people there think, that this difficulty of the cost of collection can be got over by using the agency of Post Office savings banks for the payment of the premiums; that plan has been brought under your notice, has it not?—Yes, I think it would be a very effective way; it would save the individual the trouble of making the payments, which is always a trouble to him; it would save the department a great deal of trouble in collecting the payments, and great expense in writing for the money that is due, in making the schedules and lists, and I see no objection at all to it.

31. You would perhaps prefer the plan being described in detail by Mr. Cardin, who suggested it, but this will give the Committee a general idea of its scope, that if, for instance, a man had 20 l. in the Post Office savings bank he could sign a paper which would cause the interest on that 20 l., or any portion of the capital, to be devoted to paying his premiums on a policy of assurance or in the purchase of an annuity; and the notice having been given the process would go on automatically without any further trouble?—Precisely.

32. And you, having looked into it, think that this plan would work with ease and with very little cost to the department?—I have not yet seen the scheme put on paper; it is not yet complete; but I think, so far as I have been able to form an opinion, it would work well.

33. Then there have been many complaints made as to the complexity of the arrangements in effecting a small policy of assurance at the Post Office with regard to medical certificates; have you any suggestions to make on that point?—I believe there is a good deal of difference of opinion as to the value of the medical certificates. My own opinion is that they are not worth very much as a rule, and if, with proper safeguards, they could be dispensed with, say to a certain

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Mr. TUENOR.

[Continued.]

Chairman—continued.

a certain amount, up to perhaps 50 *l.*, or 20 *l.* if you prefer it, it would be very desirable to dispense with them. As it is shown that the medical certificate is not of much value after two or three years, possibly some arrangement might be made by which the department would undertake only to pay the assurance if the life continued, say, for two or three years after the assurance was effected. If the individual died within those years, the department might properly decline to pay the sum assured, and might return the premiums. Some arrangement of that kind might meet the difficulty.

34. And if that could be done it would very much simplify the process of insurance?—I think so; there is always a difficulty in getting doctors to undertake the business, the fee given them is very small, and the examination is often a very cursory one.

35. Then you would advocate a lowering of the minimum to bring the insurance within the reach of the poorer classes?—Decidedly.

36. What amount would you allow to be insured; would you reduce the minimum from 20 *l.* to 5 *l.*?—I think 5 *l.* would be a very good minimum to fix.

37. And one advantage of paying the premiums as a Post Office savings bank deposit would be that it would be so very little expense, that one of the great reasons against reducing the minimum would cease to exist, would it not?—Yes, there would be a saving of expense; but if the minimum was reduced it would be necessary, I think, to increase the maximum because it costs exactly the same to make a contract for 5 *l.* as it does for 500 *l.*, and we should get very little profit on the small sums; in fact, we should probably transact the business at a loss.

38. What would you make the maximum go up to; 200 *l.*?—I should be rather inclined to make it more than 200 *l.* I doubt whether we should not lose too much on so small a maximum as 200 *l.*

39. No policy can be effected at the present time in the Post Office on a life of less than 16 years of age, whereas no limit is imposed, in the case of private societies, and they can insure very young lives, can they not?—I am not aware of the practice of the private societies; but I think there is no reason why the minimum of 16 years of age might not be reduced. I do not see any particular object in keeping it at 16 years of age.

40. It has been suggested by Mr. Cardin that five years would be a good age to take as a minimum because that is the School Board age, and a child then becomes registered, and there would be no difficulty in identifying him; should you approve of that suggestion?—Yes, if there is no difficulty. The identification is the principal point to consider.

41. Are there any other suggestions that you would like to make to the Committee?—I think it might be well to consider whether some addition might not be made to the amount of the policy after a period of years; whether, after a man has been insured for five or ten years, some addition could not be made to the amount of his insurance, or whether it would not be possible to reduce

0.67.

Chairman—continued.

his premium; it would be an incentive to insure. That is a question of tables.

42. So that you would make it more a business of participation of profits?—I think so.

43. Have you any suggestions to offer with regard to the annuities, besides those which you have already made?—Immediate annuities touch a different class of people. As a rule, the poor cannot provide a sufficient sum to pay down to buy those annuities, and it is difficult to see how they ever will. The minimum is 4 *l.* at present, and I do not know that there would be any advantage in reducing it. One would think that no one would wish to procure an annuity of less than 4 *l.* Whether it might not be an advantage to some classes to raise the maximum, I think is a different question.

44. The maximum now is 50 *l.*, is it not?—The maximum is 50 *l.* now, and I am inclined to think that it would benefit a good many of the people of the middle class, if they had the facility of purchasing a larger annuity.

45. But with regard to the annuities, do you not think that if this plan of managing the business through the Post Office savings banks came into operation, many people would purchase for themselves annuities in this way. Thus a man who had 20 *l.* in the Post Office savings bank, might give these instructions: "Let the interest of that be devoted to purchase me an annuity when I am 60 years old;" so that a deposit in the Post Office savings bank could be used not only as a deposit, but also while it was there, it would be creating for the owner of the deposit an annuity and also a policy of life assurance?—Yes, those are deferred annuities. There is a considerable difference between the deferred and the immediate annuities. I think it would certainly be a benefit as regards the deferred annuities.

46. I suppose either you or Mr. Cardin could supply the Committee with some figures which would show that if a man deposited 100 *l.*, for instance, in the savings bank, and had it there when he was 30 years of age, and devoted half the interest to the purchase of an annuity and half to effecting an assurance, what annuity he would become possessed of when he was 60, and what policy of assurance he would be entitled to?—Yes; Mr. Cardin has prepared an answer to that question.

47. Are there any other points that you would like to put before the Committee?—There is nothing that occurs to me at this moment. I attach a good deal of importance to Mr. Cardin's plan of rendering it more easy to make those payments; and I think that it would advertise the business to a considerable extent.

48. It would popularise it?—Yes; because a notice might be put in every savings bank book showing the advantages, and it would be a continual advertisement to every depositor.

49. At the present moment we have nearly 3,000,000 Post Office savings bank depositors, have we not?—Yes.

50. And every one of those has, as it were, a banking book?—Yes.

51. And on this book might be printed instructions about annuities and insurance, so that it would

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Mr. TURNOR.

[Continued.]

Chairman—continued.

would bring it prominently under the notice of these 3,000,000 people?—Exactly.

52. And this Post Office savings bank book, under the plan we propose, might be used for four purposes: (1.) As a record of savings bank deposits; (2.) For effecting a policy of life insurance; (3.) For purchasing an annuity, and (4.) For investment in Government Stock; they would all be treated as savings bank transactions?—Yes.

Mr. Goschen.

53. Of the little life assurance business that has been done so far, have you done more at the higher level, nearer the 100*l.*, or at the lower level, nearer the 20*l.*?—Two-thirds of the policies that are effected are at the maximum of 100*l.*, and only 600 have been effected at the minimum of 20*l.*

54. Therefore you would attach more importance to raising the maximum from 100*l.* to 200*l.*?—I think that, for the benefit of the industrial classes, I should attach great importance to reducing the minimum; but the reason why I propose to raise it is because, if we do not raise it, we shall probably do a losing business.

Mr. Sclater-Booth.

55. To what point would you raise it?—It is a matter of calculation, but I think that 200*l.* would be somewhat low. I should raise it above 200*l.*

Mr. Goschen.

56. You wish to increase your maximum up to 200*l.*, or even a higher figure, in order to make your other business remunerative?—Exactly; so as not to conduct the business at a loss.

57. But cannot you manage to conduct the business without a loss, by multiplying the smaller policies and not increasing the maximum beyond 100*l.*?—That, I think, is a matter of calculation. I am hardly able to express any but a general opinion on that point.

58. I think the Committee would look for details upon that point?—It is a question for the National Debt Commissioners who would prepare the tables.

59. I think that some members of the Committee would probably like to see how it could be made a remunerative business, or how the revenue can be protected from loss by continuing the system below 100*l.*, rather than by seeking to make it remunerative by going beyond the 100*l.*; you see no objection to the Government undertaking assurance business above 100*l.*?—As far as the Government goes, or as far as the department goes, I do not see any objection if it is a facility to the general public.

60. With regard to the point of dispensing with the medical certificate, you would limit that to the smaller assurances, would you not?—I think so, under a certain sum, which might be fixed at 20*l.*; perhaps that would be sufficient.

61. You spoke of safeguards, and you mentioned as one safeguard, that if the insurer died within two years the premium should be returned. Are there any other safeguards to which you could point?—It is a matter of detail. You might ask, perhaps, for further references, and retain the option of having a medical examination.

Mr. Goschen—continued.

62. I presume your opinion would be that the inducement to insure even sickly people is so small at these very low figures, that there would not be the same inducement to insure that there would be when the money to be claimed, from an office or from the Government, is of larger amount?—I am not quite sure. I think that sickly persons would always insure if they could get anything; but you might refuse to pay them anything if the death took place within a given period.

63. And you would make that period two years?—From the Paper which I have here I might read to you the opinion of Mr. Scudamore, who gave a great deal of attention to this subject. He said: "The effects of medical selection to the extent to which it protects insurance offices have for some time been well understood. It protects insurance offices against the fraudulent presentation of bad lives and against the acceptance of lives honestly presented which are actually attacked by disease of a fatal character. Eminent statisticians have discovered that the protective effects of medical selection do not last for more than two or three years, and that after a period of two or three years the selected lives fall into the common average of life throughout the country. From this well-ascertained fact it has sometimes been inferred that medical selection is of no value, but I can see no ground for that inference. It is true, doubtless, that the protective effects of medical selection are not permanent, but while they endure they are valuable. They are not permanent because the conditions of life are not permanent, and because changes of condition, which cannot be foreseen by a medical examiner, may after a while prejudicially affect the lives of the persons whom he examines." Then he goes into further detail. He was decidedly against doing away with the medical certificate; but I do not find that he, at any point, considered the possibility of refusing to pay the insurance within a limited period, which appears to me to meet the case.

Mr. Sclater-Booth.

64. Do you mean a repayment of the premium without deduction or discount?—It is a question, I think, whether you should not repay a part of it, retaining a portion to meet the expenses.

Mr. Goschen.

65. Have you had a sufficient number of deaths since you have been at work to enable you to form any conclusions as to the kind of lives which are insured?—I do not think we have made any analysis of that.

66. You have not been able yet to form any estimate as to whether your calculations have been correct as regards death; as to whether you have had an abnormal death-rate, for instance?—No, I do not think we have ever gone into that question.

67. Would that be a very difficult matter to put before the Committee?—I do not think it would. We could not go into the causes of death; but we might give the number of contracts and the number of deaths.

68. The point I am aiming at is this: whether the

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Mr. TURNOR.

[Continued.]

Mr. Goschen—continued.

the experience so far has shown that the people who have insured have been less healthy on the whole than the bulk of the population?—That is to say, whether the medical certificate has been of any value?

69. Yes?—I will make a note of that.

70. From what class of people are your insurers, so far, mainly derived?—It is rather difficult to answer that question, but I should say from a class above the industrial classes.

71. Are they mainly in towns or in the country?—Speaking rather haphazard, I should say mainly in the towns; but I have not any very precise information upon that point.

72. Would you consider that there are a great many domestic servants amongst them?—I should doubt that.

73. But not many of them are working men, I understand?—Not many are working men.

74. Would you have any means of giving any evidence upon that point?—We might analyse the names. I think we could get the information.

75. Are the trades or employments noted?—Yes.

76. So that you could present an analysis of the occupations of the parties who have insured?—Yes.

77. With regard to age, I understand you to recommend that the minimum age should be reduced from 16 years to five years?—Yes.

78. With what object?—I see no particular reason why 16 years should be fixed. Originally, as I understand, it was fixed because it was supposed that it was easier to identify a person when he got to that age; but now-a-days, especially since the schools have developed so much, it is easier to identify them at an earlier age.

79. Are there not considered to be moral objections in the way of the insurance of very young children?—I presume that the life of very young children is not so good as the life of persons of more mature years, and there might be objections on that score; but it would be possible to meet them by a table.

80. But have you not understood that there are objections on the part of a great many insurance offices with regard to infant life, namely, that the putting a pecuniary value upon a child's life is undesirable from a social point of view?—That may be an objection; I have never considered that; you mean that it might lead to abuses? That is so.

81. Do you see any great advantage, except in increasing the business, in children being insured at a very early age?—I do not lay any great stress upon it; I merely suggest it as opening a greater facility; but I do not think I should press it.

82. There is no great advantage, is there, from any point of view, in the family receiving money in consequence of the death of a child until the child has grown to an age at which others are more likely to be dependent upon him than he upon others?—Yes, that is so.

Mr. Duff.

83. The present system has been a comparative failure, has it not?—Yes.

84. Is that failure more conspicuous in any
067.

Mr. Duff—continued.

one district of the kingdom than in another?—I have no analysis to show that. I quoted some figures just now to show that the persons who availed themselves of the advantage of the assurance insured for a sum of about 80 l., which leads one to suppose that they are of a higher class than the industrial classes.

85. I am given to understand that the system has been more taken advantage of in Scotland than in other parts of the country; do you know if that is correct?—I could ascertain that.

86. I suppose that would be contained in some table?—Yes.

Mr. John Holland.

87. Are those who have assured themselves, and got annuities already, as a matter of fact, depositors in the Post Office Savings Bank?—Not necessarily.

88. Could you embody information on that point in the table that you propose to bring up?—We might possibly ascertain that by reference to each savings bank account.

89. Can you state what the hours are for the annuity and insurance business?—So long as the Post Office is open for money order business.

90. How long is that generally?—It varies very much; offices are generally open in large towns until quite late in the evening.

91. Do you mean till about eight o'clock?—About eight or nine o'clock.

92. I see that in the rules they speak of the offices being open during the hours appointed for the transaction of money order business?—Yes; the hours are the same as for the money order business.

93. Will you let us have a statement as to the hours of business?—I will obtain that information.

94. Is it not the case that in the country the Post Office is often closed for such business at four o'clock?—I think that is so.

95. Have you any view as to whether further facilities could not be given in the way of extending the hours, or have you not considered that subject?—I have not considered it very much. Of course, another element enters into the question, and that is any additional cost for extra attendance.

Mr. Brand.

96. With respect to the remark which you made in your examination, as to the necessity of protecting the revenue by increasing the maximum, have you here the terms of the policies issued by the Prudential, or have you any knowledge of them?—No, I have not.

97. It is, however, within your knowledge, I suppose, that the greater part of the business of the Prudential Company consists in issuing policies for very small sums?—Yes, I imagine so.

98. Do you know at all what the charges are for the premiums; taking, for instance, a premium of one penny, do you know how much it costs the office for collection and charges?—I do not think that has ever been calculated.

99. Taking it at something like a halfpenny upon every penny, and looking to the fact that that company is at any rate at the present
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MR. TURNOR.

[Continued.]

Mr. Brand—continued.

moment making very large profits, would it not be possible for the Post Office to issue policies at a less cost to the insurers, if you could get over the difficulty of collection?—That would enter into the question of the tables. The tables, I may say, are prepared under the Act of Parliament by the National Debt Commissioners, with the approval of the Treasury. The Post Office has in no way been concerned in the preparation of the tables, and has no power to interfere.

100. I think you have rather misunderstood my question. I said, presuming that the tables of the Prudential Insurance Company are correct, and that that company is at any rate making enormous profits in this small business at the present time, and that their charges are very heavy indeed, would not the Post Office, if they could get over the difficulty of collection, be able to issue policies at a small charge?—I do not know what the charge of the Prudential is.

101. I have given it you as being very nearly a halfpenny in every penny?—The Post Office now issues its policies at a less charge than that; I cannot say whether it could reduce it still further.

102. You know, I suppose, what the practice of the Prudential Company is with regard to medical certificates, and certificates of age?—No.

103. Would it be possible to get over the difficulty with regard to the medical certificate, by making it a condition that no payment should be made to a policyholder until after the second yearly premium had been paid, thereby getting rid of the necessity of having any medical certificates at all?—I think that might be considered.

104. Would it not be a very great objection to raising the maximum to 200*l.* and over, that you would by that process be competing with most of the other offices in London?—There is that objection certainly, but that would not be a departmental objection.

Mr. Harcourt.

105. With reference to the answer which you gave to the honourable Member for Brighton just now as to the hours of closing of these offices, would it not be an advantage that the life assurances should be disconnected from the present rule, that they should be on all fours with the Post Office savings bank?—The proposal which is going to be submitted would connect this business with the savings banks, and therefore the hours for both classes of business will be the same as at present.

106. My question rather applies to country districts. I believe that the present rule is that the hour of depositing in the Post Office savings bank is regulated by the hour at which the office closes; so that supposing an office to close in the country at five o'clock, no deposits can be taken after four o'clock, in order that they may send up the accounts every night to the General Post Office in London; so that in point of fact the labouring man in the country, who does not get away from his work until five or six o'clock,

Mr. Harcourt—continued.

would never have an opportunity of attending personally to the transaction of any business of this kind?—Of course the arrangement must depend very much upon the mail service. If the postmaster sends in his accounts every night, he is obliged to complete them in time for the mail, and therefore he must have a certain period before the mail is dispatched in order to make up his accounts.

107. But do you not think that closing at such an early hour operates as well as those causes to which you have referred, viz., the largeness of the sums and the absence of agency, to the detriment of life assurance in country districts?—Yes; of course the greater the number of hours the offices are allowed to be open the greater the opportunities afforded for insuring.

108. To take another subject: the honourable Member for Stroud has just asked you about the great opposition which would probably arise from affiliated societies in reference to increasing the maximum; should we not meet with the same difficulties as were met with last year when a Bill was defeated by their opposition in the House of Commons?—No doubt there would be an opposition.

109. I think you said that of the two businesses, that of life assurance, and that of annuities, the life assurance was the one which peculiarly benefited the working classes?—I do not say that it does so now, but I think it would be an advantage to extend it so that it should do so.

110. I think I understood you to say that your opinion was, that annuities never could benefit the working classes?—Immediate annuities cannot, but I think that deferred annuities may benefit the working classes considerably.

Lord Edmond Fitzmaurice.

111. But you do not think that they have much operation now?—They are not much used now, that is quite clear.

Mr. Harcourt.

112. You told us that there were two causes which made the present system a failure; one being that the minimum amount of insurance was too low, and the other being the absence of agency; have you considered how any improvement could be made in reference to that last matter, viz., the absence of agency?—I believe that private companies employ regular fixed agents who canvass the whole country, and get a large commission upon results. I cannot see that it would be proper for the Post Office to employ agents of that kind, or how we could pay them; and I see no better way of getting over the difficulty than the scheme proposed, which the next witness will describe, of doing the business through the savings banks, and in a great measure advertising it in that way. There are three millions of books belonging to savings bank depositors, and each book would contain an advertisement which every depositor would see every time the book was sent to him.

113. Have you any experience in regard to country districts, as to whether people ever read those

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Mr. Harcourt—continued.

those books?—I am afraid my experience would say that they do not very much.

Sir John Kennaway.

114. Would there be any objection to the post offices receiving deposits for annuities after the hour to which they are at present limited, and to the deposits going into the accounts of the next day?—I think that might be considered, but I should not like to commit myself as to that without a little more examination.

Mr. Charles Ross.

115. I believe there is a tendency on the part of the Government to encourage savings banks in schools; could those assurances in schools be worked through the schoolmaster as an agent, giving him a small commission?—One difficulty is the source from which you should pay the schoolmaster, and another difficulty is that he could not be the servant of the department; we should have no control over him. There is nothing to stop him if he voluntarily undertakes the business.

116. It struck me that it might be an easy method of working these insurances through the schools, as you alluded to the fact that it might be a way of encouraging thrift amongst the children, particularly in country districts?—I think it would be a very good thing if the schoolmasters would teach the children something about insurance business and make them realise the benefits of it, and put questions to them upon the subject. If that were introduced into their education it certainly would be a good thing.

Mr. Loder.

117. I think you said that the life annuities would not be within the means of the labouring classes; but you seem to think that although deferred annuities are not availed of by those classes, yet by the proposed plan they would be more availed of, and would commend themselves more to the minds of the working classes, inasmuch as the machinery of assurance would be brought more closely home to them by the plan suggested by the Postmaster General, is that so?—I think, no doubt, it would render it much more easy for the working classes to contract these deferred annuities, but whether it would be any inducement to them to do so is another question. You can give them the facilities and make the machinery as easy as possible, but it is like taking a horse to the water, you cannot make him drink.

118. As those know very well who have been connected with these schemes for promoting thrift amongst the poor people, there is only a certain class who will take advantage of them. If you put money into a savings bank, for instance, for a servant, if that servant is not disposed to save, he or she will soon withdraw that deposit. But in the case of those who have deposits, and who have some idea of thrift, are you not of opinion that these deferred annuities will be largely increased if it is rendered more easy to contract them?—It may be so.

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Lord Edmond Fitzmaurice.

119. Would your plan be to give to local postmasters a commission on life assurance, with a view to offering them some inducement to canvass effectually?—That is a question of funds. At present a great proportion of the local postmasters do receive a commission on every transaction of assurance business. But the trouble is at the first stage. An individual comes into an office, and asks a great number of questions, and probably cannot understand many of the answers even if he can understand the questions that he asks. The postmaster may have other business to do, and he is naturally not inclined to give himself too much trouble. When the contract is once effected, the commission he receives for recording the payment of the premium is quite sufficient.

120. You think that some further means are necessary?—I should be very glad if we could give the postmasters some extra payment on obtaining the contract.

121. In fact, you mean, practically, to increase the sum paid on commission?—I do not think I should do it in that manner; I should be inclined, perhaps, to give a small sum in consideration of each new policy which is obtained. But, as I said before, the question is, where is it to come from?

122. You alluded just now to the question of the possible opposition of other societies; has not that question been brought prominently before you in any way by this time in regard to this plan?—Opposition in respect to what point of it?

123. I mean that if the Post Office enlarged its business by increasing the amounts for which assurances could be made, that would be likely to excite the jealousy of the societies, who might consider that the Post Office was trespassing on a field already occupied by them?—That might be so; but although 17 years ago a good deal of opposition and jealousy was excited, the result has proved that it was uncalled for.

124. And you do not anticipate any dangerous opposition from that quarter?—I suppose there would be opposition, but I do not know that there is any danger in it. No doubt there would be a certain amount of opposition, but it might be got over.

125. In regard to the question of deferred annuities, I suppose that the deferred annuity part of the plan is really the most important of all in regard to diminishing poor relief, is it not?—I think so.

126. I would put it in this way: that a man who has effected a life assurance, let us say, for 100*l.*, might, if he could keep it dark, go on from 60 years of age to the end of his life receiving poor relief; and although on his death the guardians might recover from his executors or administrators, nevertheless in those years he would have been a pauper and would have received a considerable sum in poor relief; whilst, if he had bought a deferred annuity, it would be almost impossible for him to keep that fact a secret, and if he made an application for poor relief he would undoubtedly be refused. Therefore, on the whole, a man who buys himself a deferred annuity is presumably taking a step which

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Lord Edmond Fitzmaurice—continued.

which is more likely to diminish poor relief than if he was to insure his life?—I have never heard of such a case as that which you put. It is quite possible, no doubt, that he should conceal this insurance, but I should have thought that the guardians would have taken more steps to ascertain the truth of the matter.

127. Can you inform the Committee what is the sum for a 5*l.* deferred annuity?—Of course it depends upon the age of the individual. I could give you an instance. When the condition of the contract is that no part of the purchase money shall in any event be returned, a man aged 30 may purchase a deferred annuity of 10*l.* to commence on his reaching the age of 60, and to be payable half-yearly, either by an immediate payment of 21*l.* 3*s.* 4*d.*, or by an annual payment, until he reaches the age of 60, of 1*l.* 8*s.* 4*d.*

128. Has your attention been called, in the recent Post Office Returns in regard to these questions, to the apparently greater popularity of these post office schemes in the south and west of England as compared with the north?—No, I have not noticed that.

Mr. Mitchell Henry.

129. What is the exact nature of the difficulty about medical examination?—There is a great deal of difficulty in getting a doctor to consent to undertake the duty for the small fee which we are able to pay; sometimes a doctor lives a long way off from the person who wishes to be assured, and it is not worth his while to come.

130. Is the certificate of any registered medical man taken by the post office, or must it be some special officer appointed by the post office in the district, who gives the certificate?—Some special officer is appointed.

131. What is the fee that is allowed to him?—It is a very small fee; it is 2*s.* 6*d.* if the assurance is under 60*l.*, and 5*s.* if it is over that amount.

132. Would not one mode of increasing the number of assurances, as well as of getting over the difficulty of securing the services of good medical men, be to advertise in the country that a medical man would attend at a particular hour in the evening on certain evenings of the week for the purpose of examining persons who wished to insure, and if a little pains were taken by the post office to make that public in the neighbourhood?—The Post Office has taken immense pains in different ways to make the business public; thousands of leaflets and advertisements have been distributed. I have a return here which shows that in 686 offices which we opened for business, we have not had a single case. I imagine that if the doctor did attend he would very often attend to do nothing.

133. If he attended at the wrong hour, no doubt that would be so; but if he attended in the evening, when the working classes transact any business that they have to do, long after the hour at which the post-office is closed, would not that be likely to stimulate the small insurances?—There would not be so much difficulty, I presume, in making an arrangement for the doctor to come; but even if you had made that arrange-

Mr. Mitchell Henry—continued.

ment, I do not think you would get the persons there to be examined.

134. You suggest, then, in order to get over the difficulty, dispensing with a medical examination in the case of insurances under certain amounts, and you propose, as I understand, that in order to compensate for that the insurance shall not be absolute, but only contingent upon the person who takes out the insurance living a certain length of time, say one or two years after the insurance is effected?—Yes.

135. Do you not think that the essence of an insurance, especially in the mind of a working man, is that it shall be an absolute, positive, and certain payment of money after his death, whenever he dies, and under whatever circumstances?—There is a great deal of truth in that. I believe, however, that this other plan has been tried by companies (although I cannot give much information about it) and has succeeded.

136. Do you mean that it has succeeded in the case of small insurances of the character that you contemplate, or are you referring to the larger insurances effected by persons in a different class of life?—In the case of the smaller ones I believe it has been tried.

137. Could you get us any information relative to that?—I think that the next witness will be able to give you more information upon that point; I have not paid a great deal of attention to the companies.

138. If you dispensed with a medical examination under those conditions, would not there be a danger that the persons whose lives were good would be careful to obtain a medical certificate, in order to make their insurance certain, whilst those whose lives were doubtful would run the risk?—You might meet that by not giving them the chance; you might fix a limit of, say 20*l.*, and lay down that in the case of policies of 20*l.* and under you would receive no medical report at all.

139. But then would you give to the 20*l.* insurer an absolute guarantee that the assurance would be paid, or would you contemplate only, as it seems, in the case of insurers under 20*l.*, to grant a contingent assurance?—Of course, if you accepted a medical certificate, you would have to give an absolute assurance.

140. I thought you said that you could get over the difficulty by not receiving a medical certificate in the case of any assurance under 20*l.*?—I was alluding to assurances above 20*l.* when I answered your question just now; but under 20*l.*, I think I should not allow the person to be examined at all by a medical officer.

141. Then it would come to this, would it not, that you would not grant positive assurances under 20*l.*, but only assurances contingent upon the person living for a certain length of time after he had taken out the assurance?—Yes.

142. Do you think that that would tend to stimulate the assurance business of the Post Office?—I think that it would get over a great difficulty. Under existing circumstances we have no stimulant at all. My object was to remove as much as possible all the hindrances to the adoption of the system.

143. May I ask whether you are looking at this question with reference to increasing the revenue

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Mr. Mitchell Henry—continued.

revenue from the Post Office, or with reference to stimulating thrift amongst the lower classes?—I think that the duty of the Post Office is simply confined to this: that the affair should be self-supporting, that the State should not look to make revenue out of it, and that it should be its object to extend thrift.

144. But did you not contemplate that one reason for extending the amount of assurances was to make the upper class pay for the lower class?—In order to make it self-supporting. I think that is the experience of all business.

Mr. Sclater-Booth.

145. You have laid down rather a strong proposition, that medical certificates in life assurance business are not of much worth after two or three years?—That is the opinion that I read out. I must say that my own experience is not very great upon that point.

146. Mr. Scudamore objected to that opinion, did he not?—Mr. Scudamore said, "Eminent statisticians have discovered that the protective effects of medical selection do not last for more than two or three years."

147. Would you tell us who is the authority for that statement?—I think Dr. Farr is one of the authorities.

148. Are you aware whether the practice of the life assurance offices generally is to attach less value to the medical certificate in the case of a small sum assured, than in a case in which a large sum is assured?—I have no means of knowing what their practice is.

149. Assuming that it is their practice to have a medical certificate in either case, you propose by your plan greatly to stimulate the business of the Post Office in these small cases?—Yes.

150. But supposing that it turned out that a great system of insuring bad lives were to be the result of this stimulus, the Post Office business might be landed in great losses, might it not?—I do not see how the Post Office would be landed in a loss if you do not allow the insurer to come into full benefit until a certain time expires.

151. Do you not think that the medical certificate has reference to the constitution as liable to such diseases as consumption, which may be latent in the system for many years, especially at certain ages?—It certainly has; but it is a question which I am hardly prepared to answer, whether the persons are right who say that the opinion of a medical officer is not worth anything for more than say, three years, and that he cannot detect diseases which may arise after that period.

152. Are you prepared with any evidence, by and by, which will support that view?—I do not know that I could furnish any evidence to support that.

153. Do you know whether it is the practice of any existing life assurance offices, doing a large business, to disregard medical certificates except as regards a couple of years or three years?—I believe there are some recent cases; I could not give you the names, but I think I could ascertain them.

154. You very decidedly advocate the reduction.

Mr. Sclater-Booth—continued.

tion of the minimum amount for which an insurance may be effected in a Government office, from 20 *l.* to 5 *l.*; but you did not give us the figures to which you would propose to raise the maximum. I should be very glad to know what is the opinion which you have formed and the proposal which you are prepared to recommend with regard to the maximum amount?—I should say that, so far as I am able to form an opinion (but it is a matter rather of calculation), I should raise the maximum to at least 300 *l.*

155. Do you propose to raise the maximum to 300 *l.*, in order to get a sufficient quantity of the better class of business to compensate the Post Office for the loss which may be involved in doing the smaller business?—I believe that it is the general experience of offices that one class of business compensates for the other; that if you reduce your minimum too low, and do not alter your maximum, there would be a loss, because you would shut out business.

156. Are you aware that it is the practice of all the great assurance offices, as well as I suppose of the smaller ones, to freely take insurances for sums of 100 *l.*?—Yes.

157. Then does it not come to this, that in order to pay for the small insurances which you hope to effect, you propose to compete for business of a character which is now freely done by the great assurance companies?—That would be the effect to a certain extent.

158. And it is done in order that the Government office may have the means of carrying on the business of small insurances?—Yes.

159. You propose a very startling reduction of the limit of age at which assurance might be effected, from 16 years to five years; are you prepared to recommend that as a proper limit for the Committee to adopt?—I only offered the age of five years as a suggestion; I am hardly prepared to give any strong reason for it. I mentioned that age because I believe that at that age children could now be identified.

160. However, you do not attach much importance to the limit of the age of five years?—I do not attach very great importance to it.

161. You said that you would recommend that there should be something in the nature of a bonus by way of inducement given to the holders of those policies after five or 10 years, either as an addition to the policy or in reduction of the premium to be paid. On the other hand, you have told us that you do not desire that the Post Office should make any profit, or that it ought not to make any profit, in the conduct of this business. If there is no profit made in the conduct of the business, I want to know out of what fund, or out of what resources, they are going to pay the expense of allowing these reductions of premiums or additions to policies?—I do not know that I committed myself to saying that there was to be no profit; what I intended to say was, that the main object of the Post Office should be to extend thrift, and I do not see any objection to so arranging the tables as to enable these payments in the nature of bonuses to be made at certain periods. It would offer an inducement to the public.

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Mr. CARDIN.

[Continued.]

Chairman—continued.

205. And we have no voice in determining the tables, or the principles upon which the tables are constructed?—No voice whatever.

206. Therefore the persons to get the financial results from will be the National Debt Commissioners, and not the Post Office?—Yes.

207. Do you attribute the failure to the same causes as Mr. Turnor did?—Yes, we attribute it chiefly to the following causes: the maximum amount and the maximum age we consider too low; the minimum amount and the minimum age we consider too high; there is no table for participation in profits; there are difficulties as to medical certificates, and the collection of the premiums; and the limit of the premium to 2*s.* is an obstacle.

208. But then the maximum amount would not affect the number of policies for a small amount?—No.

209. With regard to the insurance being a failure in reference to the poor, you say that you cannot give any opinion as to its financial results; but the maximum would have nothing whatever to do with that, would it?—I understand your question now to apply to the general effect of the working of the Life Insurance Act.

210. Why, for instance, has our Post Office Insurance and Annuity Scheme failed to reach the working classes?—Because the minimum limit is too high both as regards the age of 16 and the amount of 20*l.*

211. And then there is the cost and the difficulty of collection?—Yes.

212. At the present time it is the case, is it not, that you can only effect an assurance or purchase an annuity at, comparatively speaking, a limited number of offices?—Yes; at about 2,000 offices.

213. And if your scheme was adopted, of treating it as a savings bank deposit, every Post Office savings bank would become a post office assurance and annuity office?—Yes, all the 6,700 offices.

214. Therefore, immediately, you would more than treble the number of offices at which annuity and life insurance business can be done?—Yes.

215. That would very much affect the rural districts, because there are a great many Post Office savings banks in the rural districts, but there are very few post offices in the rural districts now where insurance business is done; is not that the case?—Yes.

Lord Edmond Fitzmaurice.

216. I understand then that the post offices fall into three classes, and not into two; those where assurance business is done; those where deposits can be made, but where no assurance business is done, and those where neither the one nor the other can be done; is that so?—Yes.

Chairman.

217. And the figures are, practically, 2,000, 6,700 and 14,000; is not that the case?—Yes.

218. So that, approximately, one-half of the post offices in England are savings banks, and only one-seventh of the post offices are insurance and annuity offices?—That is so.

Chairman—continued.

219. Have you any returns from one or two counties to show what effect this scheme would have in creating the number of insurance offices?—Returns are now being prepared for this purpose, I will hand them in at the next meeting of the Committee.

220. Would you be good enough to describe your scheme in greater detail to the Committee?—Perhaps it would be convenient if I explained very briefly the method of conducting the business at present. Any person wishing to insure or purchase an annuity from the Post Office can go to any one of the 2,000 post offices where the assurance and annuity business is transacted, and obtain the necessary forms and such other information as he may require as regards the amount of premium to be paid, and so on. The forms are then sent up to the Chief Office in London, and the necessary communications are made as regards medical certificates and other matters; and when the policy is completed it is sent down to the local postmaster (of course selected by the insurant), who collects the first premium and gives the policy to the insurant, and at the same time gives him a receipt book, in which the future premiums are to be recorded as they are paid. It is necessary, after the assurance is completed, and the first premium paid, that the insurant or annuitant should go to that same office and deposit the exact sum upon the stipulated days which are shown in the receipt book; in the event of his failing to do that the postmaster reports to the Chief Office upon a special form which is provided for the purpose, that the premium has not been paid, and a printed notice is sent to the insurant or annuitant, stating that unless the premium be paid within so many days the policy will lapse. That is briefly what is now done. Under the proposed plan the alteration would be very slight as regards the individual. In the first place, the business would be the same, with this exception, that the annuitants or insurants would be able to go to any of the 6,700 offices, instead of being limited, as at present, to 2,000. They would get the forms and information at one of these offices, and when the forms were properly filled up forward them to the Chief Office, where the policy would be prepared and forwarded to the local postmaster to deliver to the applicant, and to receive the first premium. If the insurant or annuitant was not already a depositor in the Post Office Savings Bank, he would be required to open a savings bank account, and pay in the premium. He would be provided with a deposit book, and be informed that with that book he could go to any one of the 6,700 Post Office Savings Banks, and pay in any sum, at any time most convenient to himself, so long as he took care to have a sufficient amount at the credit of his deposit account to meet the future premiums when payable. I should have stated that when the policy was given up the depositor would be required to sign an authority for the Postmaster General to transfer from his deposit account the amount of each future premium when it became due. There would be no occasion for the depositor to take any further trouble in the matter. In the event of the balance of that account

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Chairman—continued.

count falling too low to meet the premium, a printed notice would be sent from the Chief Office in London to the depositor, informing him of that fact, and also that unless a sufficient sum was paid within so many days the policy would lapse. There are many advantages which a depositor would derive from the use of that book as compared with using the special books. The depositor could use the deposit book as an ordinary deposit account as well as for this insurance business. He could, as I have already stated, pay in the amount at any of the large number of offices in the United Kingdom, instead of being obliged to attend specially at a particular office, which would be a matter of very great advantage to working men, who move about frequently from place to place, as they could make their deposits at any place they might happen to go to. Further, if the depositors were unable to save 1s. at a time for the purpose of making the deposit, they could use the penny postage stamp slip, and when that was full, they could deposit it as 1s. There is the further advantage which depositors might gain, that their policies might be granted under tables for yearly premiums, which are at a lower rate than weekly premiums. Then as regards the payments, a warrant would be issued to any post office selected by the annuitant, and it could be cashed there; and in the same way, in the event of a death and a life policy becoming payable, the money could be remitted to any local post office savings bank. That is the general outline of the scheme. There would be a great deal of work saved now. We are obliged to keep accounts at the Central Office, in London, with every postmaster, giving the particulars of all the policies, the premiums of which fall due at that particular office, in order that the postmaster may be advised when the amounts fall due. The reason for that is that the postmaster may not receive premiums for lapsed policies. A schedule is sent down to the postmaster informing him that certain insurants or annuitants should make payments in the following week. When payment is made, the postmaster is required to account, on the same day, to the Chief Office for the money received, the principle laid down in the Post Office being that every agent shall account daily for all receipts. At the end of the week the postmaster records upon the schedule sent down on the preceding Saturday the amounts paid and the amounts not paid. The whole of that machinery would be abolished by the savings bank system, as well as the special receipt books.

221. This change could be carried out, could it not, without an Act of Parliament?—At your request I consulted the Post Office Solicitor upon the point, but he has not yet given an opinion as to the extent to which it could be carried out without an Act of Parliament, whether it could be done by simply changing the regulations, or whether it would be necessary to embody it in an Act.

222. As a matter of fact, it was not thought of until after this Committee was appointed?—It was not thought of until you directed me to thoroughly investigate the business.

223. Until you were asked to prepare your evidence for this Committee and to consider the case, although you have often had your attention

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Chairman—continued.

directed to this subject, neither you nor anyone else had ever thought of this plan of getting over the difficulty of collection?—No, not at all; the only excuse that I can offer for not having thought of it before is that it was so simple; and when I mentioned the idea to Mr. Richardson, he completed it by suggesting that we should amalgamate the assurance and annuity business with the savings bank business much in the same way as we do the investments in Government Stock. Any person wishing to purchase Government Stock through the Post Office must do it as a savings bank transaction through their savings bank account.

224. So that even if you are not at present a depositor in the Post Office Savings Bank, if you wish to purchase Government Stock through the Post Office, you become a depositor in order to effect the purchase?—Yes.

225. And that plan since it has been introduced has worked with remarkable smoothness and ease, has it not?—Without any complication whatever.

226. Any complications or mistakes would have been certain to have been brought under the notice of the Receiver and Accountant General's Office?—Yes.

227. We have now nearly 1,000,000*l.* invested in small sums in Government Stock, all of which have been done through the Post Office Savings Banks, and there has not been one single mistake or hitch, or complaint?—No, I am not aware of any such complaint.

228. And you think that by treating the life insurance and annuity business in the same way as savings bank transactions, that may be made to work with equal smoothness?—I entertain no doubt about it, and all the practical officers whom I have consulted are of the same opinion.

229. Mr. Turnor, Mr. Blackwood, the Secretary, Mr. Ramsay, the Comptroller of the Savings Banks, and also the two gentlemen in your own office to whom I have referred, viz., Mr. Chetwynd and Mr. Richardson, all agree in this opinion?—Yes; they see no difficulty whatever in carrying it out.

230. Have you prepared any calculations which would show how it would operate; for instance, if a man had 100*l.* in the Post Office Savings Bank, or 100*l.* invested in Stock, he could give an order, as I understand, under your scheme, that the interest should be devoted either to purchasing for him an annuity, or to purchasing for him an insurance policy?—Yes; in the case of an ordinary Post Office Savings Bank deposit account upon which a man had been receiving 2½ per cent., a balance of 100*l.* would enable him, his age being 30 next birthday, to purchase a life assurance for 53*l.* 13*s.* 4*d.*, and a deferred annuity of 8*l.* 6*s.* 8*d.*, commencing at the age of 60.

231. So that the important point is this: that if for instance a man, 30 years of age, was left a legacy of 100*l.*, he could put it in the Post Office Savings Bank, and by simply writing an order he could devote the interest of that equally to effect a life assurance and to the purchase of an annuity when he was 60 years of age. The 100*l.* would

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Chairman—continued.

remain intact, and the man would become the possessor of a life policy of 53 l. 13 s. 4 d., and would be entitled to an annuity of 8 l. 6 s. 8 d. when he was 60 years of age?—Yes.

232. And he would have no further trouble in making any payment?—No further trouble at all; there would be no communication whatever between the department and the individual; and the same would apply to the case of Government Stock.

233. If he invested the 100 l. in Government Stock, taking Consols, as he would receive 3 l. instead of 2 l. 10 s., one-fifth might be added to each of those amounts?—Exactly so.

234. Then he would receive a life policy of about 65 l., and an annuity of somewhat over 10 l.

235. Then you would propose that persons should be able to effect insurances or purchase annuities in various sorts of ways; for instance, by payments to be continued for five years, or for 10 years, or for 20 years, or by a sum down; that would be a mere question of tables?—Any variation of that sort which it might be considered desirable to adopt would be a mere question of tables. The collection of the premiums in every case would be the same so far as the Post Office is concerned.

236. Then in your opinion the simplicity of this plan would very much diminish the expense of conducting the business?—It would do away with the present expense as between the department and the postmasters, the preparation of the books, and the advices to the postmasters and the stationery and labour which is necessary in keeping up the present system of account.

237. Therefore that diminution of expense would give a margin which might enable you to reduce your minimum, and to insure for smaller amounts without any loss to the department?—Yes, it would be available for that purpose.

238. You said that the smallest monthly payment that can be received now, either for insurance or for the purchase of annuities, is 2 s.?—Two shillings is the smallest payment that we can receive under the Act.

239. You would reduce that?—It would be no longer necessary.

240. As you can receive 1 s. deposited in the Post Office Savings Bank, a reduction would naturally follow?—Yes, a man might save a penny at a time by means of a stamp slip; that is to say, a man might establish a penny a week assurance and a penny a week annuity by these means, and the transfer from the deposit account to the annuity or assurance account need only take place once a year. Therefore it would be practically the same as purchasing a policy or annuity with an annual premium.

241. So that he might be using the penny deposit for the purchase of an annuity, or for the purchase of a policy of assurance?—Yes.

242. You would propose to get rid of the separate establishment for conducting the business, would you not?—Yes; that is another advantage. There is at present a separate branch in the Receiver and Accountant General's office for that business; it is thought that that might

Chairman—continued.

be transferred to the savings bank, and that a portion of the work might be performed by the ladies in one of the branches there, so that the clerical expense would be reduced also.

243. You would propose that it should be done by the ladies who do a considerable part of the clerical work in the Savings Bank Department now?—Yes, there would be a great deal of work that they could do. Of course they could not do all of it.

244. The result would be a great reduction of expense, would it not?—It would.

245. Have you any suggestions to make with regard to the other matters which you think have impeded the business of the Post Office; to what point would you reduce the minimum?—For life assurance we thought it might be reduced to 5 l.

246. Under this scheme you think that there would be no difficulty in doing that?—None; or it might be reduced even lower than that if tables could be constructed working from the opposite direction to what they do now. For instance, take a table like the Industrial Assurances, a penny per week would produce a certain sum. Of course, it would not be necessary for a man to make the payment into the Assurance and Annuity Account weekly; that could be done annually, but he could make the payments through the Post Office Savings Bank. We do not construct the tables, but I think the minimum may safely be taken down to the lowest amount which the tables could be prepared for. A man could add to the previous assurance or annuity as opportunity occurred.

247. Do I rightly understand this to be your proposal: that you would say that an amount might be taken from a deposit account in the savings bank to insure a sum smaller than 5 l.?—Yes.

248. There would be no difficulty in doing it?—None whatever. It would be simply a transfer from one column to another; there would be no appreciable expense attending it.

249. Therefore, practically there is no reason why under your scheme you should not insure for 1 l.?—No reason whatever if it is thought desirable.

Mr. Duff.

250. You stated the reasons why the scheme had been a comparative failure, but you did not include in those reasons the fact that private companies invest their capital at a much higher rate of interest than the Government does; do you think that has any bearing on the question?—The failure, so far as the Post Office is concerned, is in the number of policies effected, it is not a financial failure.

251. Does not the fact of the private companies being able to invest their capital at a high rate of interest enable them to compete on favourable terms with the Government?—I think that the failure is due rather to the restricted amount of the policies than to the premiums that are paid; 4,171, or two-thirds of the policies issued by the Post Office were for 100 l.

252. What

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Chairman.

252. What I think the Committee would like to know is, what is the rate at which we do our business compared with the rate at which it is done by the private societies?—I have carefully abstained from giving any information comparing our rates with the rates of particular companies; I thought, perhaps, I had better not do that, but I can give some figures which I obtained for my own information. Taking 84 offices (I have not selected these offices in any way), I find that the average premiums chargeable upon the assurance of a person aged 30 next birthday is 2 *l.* 3 *s.* 5 *d.*, -31 per 100 *l.*, and for the Government assurance it is 2 *l.* 6 *s.* 7 *d.* Then, as regards the industrial business in the case of 16 of the societies, I find that the premiums upon a policy of 20 *l.* to a person aged 30 next birthday average 3 *l.* 18 *d.* per week. In the Post Office, if we received them in that way, it would be 2 *l.* 6 *d.*, or rather more than 2 $\frac{1}{2}$ *l.* I have collected these figures from unofficial sources.

Mr. Duff.

253. Then I think you told the Committee that you attributed the failure, such as it is, to the fact that the maximum amount was too low, and the minimum amount too high?—Yes.

254. You could not raise or lower the rate without an Act of Parliament, could you?—Not the amount; the rates are fixed by regulation.

255. Are you speaking of the amount or the rates?—I understand your question to be, whether we could alter the rates.

256. But I understood you, in your answer, to talk of the sum to be assured?—The minimum amount of the assurance, that is to say, the 20 *l.* limit, could not be reduced without an Act of Parliament.

257. Therefore your scheme could not be carried into operation without an Act of Parliament?—No, not that portion of it; but we could collect the premiums for the present amounts through the savings bank.

Chairman.

258. So far as I understand, your scheme can at once be brought into operation for amounts that we are now allowed to insure?—Yes.

Mr. Duff.

259. But I understand that your scheme could not be brought into work without an Act of Parliament?—Yes, so far as the extension of the amounts is concerned.

260. Unless you alter the Act of Parliament it is not likely to be a success; you cannot alter your maximum and minimum amounts without an Act of Parliament?—The increased facilities afforded by the scheme would probably lead to an extension of the business.

261. But it could not be carried out in its entirety without an Act of Parliament?—Not in its entirety.

Mr. John Holland.

262. You do not, I suppose, cling to the idea of raising the maximum; do you think that that is necessary; do you expect, for instance, any great loss from reducing the minimum to a very 0.67.

Mr. John Holland—continued.

small amount?—We should, of course, minimise the loss by reducing the expenditure, and the tables would be fixed to prevent any serious loss.

263. Then you could do it, in fact, without raising the maximum?—We think the maximum should be raised as well. Friendly Societies, for instance, are allowed to go to 200 *l.*, and there might not be sufficient reason why the Post Office should not go to that, or higher amounts, looking at it as a matter of public convenience outside the financial question.

264. But is it necessary to raise the maximum in order to carry out the minimum business without loss?—The cost of the transaction is much the same whether it represents a small amount or a large one; that is why it is desirable to get some large amounts in with the small ones.

265. You have yourself shown how the expense of the small transactions may be reduced?—Yes.

266. With regard to the case that you gave of a man depositing 100 *l.* in the Post Office Savings Bank, and so insuring for 53 *l.* 13 *s.* 4 *d.*, and also getting an annuity of 8 *l.* 6 *s.* 8 *d.*, was that calculated upon the returnable scale or the non-returnable scale?—The annuity was calculated upon the non-returnable scale; all insurances bear a surrender value after five years, of not less than one-third of the premiums paid.

267. Have you made a calculation of what it would be upon the returnable scale?—No, but I could ascertain it.

268. How do you work this scheme with regard to the man who has not got a deposit book?—The man would be required to open an account and take a savings bank book instead of the special receipt book provided for deferred annuities.

269. Then I suppose in that way you would insist that a certain amount should be paid in during a certain period; instead of periodical weekly payments being made, you would say that in three months time, or at the end of six months, there should be a certain amount paid in?—Yes, the balance of the deposit account should be sufficient to meet the premium when it falls due.

Mr. Brand.

270. As I understand, this scheme is not a scheme for the extension of life assurance amongst the working classes generally, or even of life assurance amongst all classes, but it is confined to life assurance amongst the depositors; that is to say, you would give increased facilities to depositors in savings banks to effect life assurances?—Yes, that would be the result; but it might be misleading to speak of them as depositors; practically, those who choose to insure deposit the money as a means of paying the premiums; it would not necessitate a man's keeping what is called a deposit account.

271. If you believe that this would result in any general extension of the system of assurance for small sums, you are probably able to say whether there are any actuarial data in existence to show the Post Office whether at present rates for small sums there would be no loss to the revenue?

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Mr. Brand—continued.

venue?—We have no means of saying that, because all the calculations as regards the financial working of the assurance business are made at the National Debt Office; but we know that the expenses would be very much reduced, and therefore the Post Office could certainly carry on the business at a lower cost than at present.

Mr. Harcourt.

272. With reference to the investing classes in country districts, I understand you to say that under your plan the connection with the Post Office Savings Bank would be much closer than it was before, and therefore I wish to ask you whether the difficulty which is felt now in country districts from the early hour of the day at which investments are now required to be made could in any way be overcome; I know the rule is that any post office shall close for these investments one hour before the dispatch of the mail, and I suppose the reason for that is simply the convenience of the Central Authority in London?—Not quite for our convenience, but having regard to the large number of agents that there are, it is desirable that we should keep a very close watch upon the balances, and for that purpose the daily account system was instituted. If the postmasters forwarded their cash accounts to London upon the second day instead of on the same day the difficulty would be removed.

273. Is not that practicable?—That is a departmental question which would require to be settled upon its merits. My own opinion is that it could be done; but I am not authorised to state that.

Chairman.

274. Before you worked at the Central Office you had a very considerable experience in the country on the surveying staff, had you not?—After I entered the office I assisted the surveyors on two occasions.

275. You thoroughly understand the system of provincial accounts, do you not?—Yes, thoroughly.

Mr. Harcourt.

276. Then the difficulty would be this: that you would be throwing more responsibility upon the local officers?—I think no further responsibility would be thrown upon them; but the difficulty, if any, would be that it might enable a fraudulent postmaster to conceal the amounts a day longer, and the fraud would come to light on the second day instead of the first.

277. Then would that reason impel the Post Office to require any greater security from a local postmaster?—I think not.

278. You say that the advantage in the alteration which you propose, as far as regards the poorer depositors, is the lowering of the minimum of deposits?—They could make their deposits at a larger number of offices.

279. But I am talking of it simply as between maximum and minimum. The only advantage in raising the maximum is to the office, because it is in fact putting more money at their disposal; it is

Mr. Harcourt—continued.

no advantage to the depositors to raise the maximum?—Not to the man requiring to insure for a small amount.

280. But the opposition of other offices would add very greatly, would it not, to the difficulty of carrying any such measure as is talked of?—I think that it is undesirable to reduce the minimum without raising the maximum, because the entire cost of the assurance business, and of the annuity business, comes from a common fund, and the more remunerative the business is the lower the rates could be made.

281. But I understood you just now, in answer to a former question, to say that you thought you might obtain the funds in other ways than by raising the maximum?—Reducing the working expenses would enable us to reduce the rates. But we are unable to give any evidence upon the exact financial result, because we are without any information upon the subject. We are simply the agents of the National Debt Office; they give us the tables, and we collect the premiums; so that what the effect of altering the premiums would be we are unable to say; but it is obvious that if we reduce the expenditure that must affect the financial result.

Sir John Kennaway.

282. Will you explain to me the causes of the difference, that whereas for a life policy of 100 l. the private offices can offer more advantageous terms than the Government do, when it comes to a life policy of 20 l. the Government require a less payment than the private societies require?—I have no information whatever upon that point.

283. Is that comparison of 2 l. 3 s. 5 d. to insure a life policy of 100 l. in the case of a private company, as against 2 l. 6 s. 7 d. in the case of the Government, obtained from the tables?—Yes.

284. From the tables of what society?—From the tables of 84 offices not selected.

285. To whose case were you referring when you mentioned 3 l. 18 d. to insure 20 l.?—That would be the amount in the case of friendly or industrial societies. I explained that I was not prepared to give evidence upon that point, but that I had simply collected the figures for my own information. There are circumstances connected with those premiums which vary in the different offices. Some of the policies do not come into operation for some time after issue, and the period before they come into full benefit differs in the different societies. It is not fair to make a comparison, because we do not know the amount of small business done by the companies, and their tables are framed with a view to small business. I found that, without selecting companies and making an invidious statement, we could not give those particulars.

286. Do you happen to have the tables of the Prudential Company before you?—I have their total, but not the tables.

287. You could not tell me what the Prudential Company would charge for a policy of 100 l.?—No, I could not. I purposely abstained from making any comparison as to the companies in order to avoid any question.

288. But

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Sir John Kennaway—continued.

288. But as a matter of fact these industrial societies do charge more for small amounts than the Government charge?—Yes, taking the result of this table it shows that.

289. I think you suggested it as possible that the whole of the funds of the Assurance, Annuity, and Savings Bank Departments should be all merged into one account?—No, we should keep the accounts separate.

290. You suggest some sort of amalgamation, do you not?—Only as regards the collection of premiums.

291. I think you said that 120,000 *l.* a year was the profit of the Savings Bank account?—That was stated; it is more than that.

292. Do you think that as a matter of policy there would be any objection to applying that profit towards enabling the Post Office to grant life assurances on lower terms than those on which they have hitherto been granted?—The Act distinctly states that the assurance and the annuities should pay their own expenses; and as regards the Savings Bank we are bound under Sir Stafford Northcote's Act to pay any surplus profits into the Exchequer.

293. The action of Parliament would have to be called in to enable you to do anything of that sort?—Yes, it is a question for the Chancellor of the Exchequer.

294. Would you also give the amounts that would be required in payment for a policy of 5 *l.* in the case of a man aged 30?—We have no tables prepared for that amount.

295. Your object is that it should be in the power of a man to insure for 5 *l.*; but you have not prepared tables with that object?—No; it would be necessary for special tables to be prepared at the National Debt Office.

Mr. Loder.

296. It has been suggested that some opposition will be raised to this scheme on the part of private offices; but would not that be met by the fact that this sum of 100 *l.* or 200 *l.*, or whatever the maximum may be, would be a cumulative sum deposited in your savings banks, whereas small sums could not be collected in large offices; your object is to promote those cumulative deposits, is it not?—Yes, that is so.

297. Then what opposition do you fear from large offices?—I think that the offices on the occasion of the passing of the present Act, opposed it, because they thought the Government were competing with them. The department, I believe, are not anticipating any difficulty beyond what is already known as regards the passing of the present Act.

298. I understood you to say, in answer to an honourable Member, that you expected some opposition from the private offices?—Simply from what took place at the passing of the present Act. It was in consequence of the opposition from private offices that the present limits were fixed.

299. But then in the Post Office Savings Bank, small cumulative deposits may make up the larger sum, whereas in large offices you must bring the 100 *l.* in bulk?—A man may accumulate 100 *l.* instead of assuring; but the

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Mr. Loder—continued.

object of assurance is that a man may secure a certain sum at an earlier period than he can collect it himself.

300. Then I do not think you need fear the opposition?—No, perhaps not.

Lord Lyndington.

301. You said, I think, that the purchase of public stock through the Post Office could only be made by depositors?—The purchase of public stock through the Post Office can only be made through the savings bank.

302. And by depositors, I understand?—They must become depositors, if they are not already depositors; they need only deposit the sum required for that purpose.

303. And then the Post Office invests it?—The Post Office invests it at their request.

Chairman.

304. In reference to the question that has just now been put to you by the noble Lord, it is the case, is it not, that of the 1,000,000 *l.* in round numbers that has been invested through the Post Office Savings Banks in Government Stocks in small sums, about half or rather more than half has been deposited for the special purpose of investment?—Yes.

305. The other half is withdrawn from existing deposits?—Yes.

Lord Lyndington.

306. But you cannot invest a smaller sum than 50 *l.* through the Post Office, can you?—Yes, 10 *l.*

Chairman.

307. The limit of 50 *l.* applies to annuities; but you can invest 10 *l.* in Consols through the Post Office?—Yes.

308. A man now effecting a policy of life insurance, or purchasing an annuity, always has to go to the same office to pay his weekly or monthly premium or his annual premium; and it is a process of considerable difficulty, is it not, to change the office at which he can make it?—It necessitates a written application, which is a matter of great difficulty with some poor people.

309. But one of the main features of the Post Office Savings Bank system is this: that a depositor opens an account with a bank which has practically nearly 7,000 branches, from any one of which he can draw, by taking very little trouble, and by giving a day's notice?—Yes, that is so.

310. Therefore if your scheme came into operation, a person insuring would be placed in this better position, that instead of having only one office at which he could make his weekly or monthly payments, he would practically be able to make the payment at any of those 6,700 offices?—Yes, that is so.

311. And you attach very great importance to that change?—Very great importance.

312. It is evidently a very important thing to be considered, because all the persons who have watched the development of the Post Office Savings Bank system have regarded this mobility of accounts as one chief cause of its success?—

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Mr. CARDIN.

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Chairman—continued.

I believe that is one of the chief causes of its success.

313. Independently of the question of increasing the maximum, in order to enable you to reduce the minimum, of course, if the maximum is not increased, the only difference would be that you might have to charge somewhat more for an insurance of 5 *l.* than you otherwise would?—That would be the result.

314. And the difference in the amount could not be great?—No.

315. Therefore, having regard to its effect in encouraging the insurance of small sums amongst the working classes, the question of increasing the maximum has not a very important bearing?—No, taking these things into consideration.

316. It could not make more than 1 or 2 or 3 per cent. increase in the amount of premiums that you would have to charge upon a policy of 5 *l.*?—I could not say what it would be, but it must be something small.

317. From another point of view, regarding the increase of the maximum as separate from its effects in reducing the proportionate payment for the minimum, is there not a demand on the part of the public to insure for a larger sum than 100 *l.*?—Yes; the applications to insure for larger sums were very numerous, until it became generally known that it could not be done. I understand that there are many people who could insure in sound assurance offices for the larger amounts, but the sound offices are not always where the people are. For instance, there are many very good offices in London, but people in the country are unable to get at those offices unless there is a local agent. Then people in the country, as we know, attach very great importance to Government security, and they might be induced to insure where they do not insure at all now.

318. Therefore the question of increasing the maximum may be regarded from two entirely distinct points of view; first of all, that it would increase the profits of the general business, and in that way enable the premiums upon the small policies to be slightly reduced; and secondly, keeping it entirely distinct from its effect on the small policies, you think, from the applications which have been made to the Post Office, that it would meet a popular demand on the part of persons who wanted to insure for more than 100 *l.*?—No doubt it would meet a great want on the part of many people.

319. Are there any other improvements which you think would tend to make this particular Post Office business more availed of by the people?—The question of participation in profits seems to be rather an important one. I have found, on taking out some figures that in the case of 50 offices, 90·65 per cent. of the business was done with participation in profits, and only 9·35 per cent. without such participation. That tends to show that people attach great importance to tables with participation in profits. There are no such tables in the Post Office at present.

320. Then what you would recommend is, that we should have a separate set of tables, by which a participation in profits might be made in two

Chairman—continued.

ways; that you might either increase your policy after insuring a certain number of years, and in that way participate by having a bonus added to the policy; or you might participate in the profits by having the premium reduced?—That is so.

321. Would you recommend tables being prepared upon both of these plans, so as to give the insurers the option?—Yes; special tables would be required for that purpose, because the present tables are calculated without profits, but the profit that the public would participate in they would contribute to by paying a larger premium, as is the case with the assurance companies.

322. You have spoken of not knowing the financial results of this Post Office Insurance scheme. I know you are not officially concerned in it, and the Post Office acts as agent; but could you give the Committee any information upon the point from any paper that you have seen: is it your idea that the business which has been done by the existing tables has been profitable so far?—That is my impression; but I have no information upon the point officially.

323. Is that impression derived from any paper that the Committee could have before it?—I think not. Any question should be addressed to the National Debt Office upon that subject; they could give the information from their returns.

324. Then you would propose, as a second suggestion, to have these two sets of participation in profit tables prepared; thirdly, what is your view about the medical certificates?—I should like to read some opinions which have been expressed about that. We know that the medical certificate is a great impediment in the way of many people insuring. In the first place, there is some difficulty in getting doctors who will give the certificates at a low cost. The cost is defrayed by the department, but it pays such a small fee that all doctors are not willing to accept it. Then there is an objection on the part of poor people to passing a medical examination; and, in the next place, there are various opinions expressed as to the value of the certificate when obtained.

325. Could you give the Committee some of those opinions?—Yes, I am about to read some. I looked into various authorities upon the subject, and I found in a book published by Mr. Walford, who is a great authority upon life assurances, that Mr. Scratchley says: "We urge, therefore, that the field of assurance should no longer be limited; that, inasmuch as life assurance is merely the result of judicious money measurement of the contingencies of human existence, the system may be safely extended; that attempts should be made to determine a proper charge for the general assurance of lives, however apparently they may have departed from the assumed standard of average good health. If this were done, we should cease to meet with aged persons who tell us of their having been declined by such an office when young." The system was tried in the case of one of the large industrial companies, and they said: "We tried the medical examination, but we gave it up, and we get 6 or 7 per cent. less claims." It is not explained in the paper why that is, but I take it that that would arise

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Chairman—continued.

arise from the fact that they get a larger field.

326. From where do you quote that?—From the evidence given before the Friendly Societies Commission, and from a book published by Mr. Walford.

Lord Edmond Fitzmaurice.

327. Did the Friendly Societies Commission go into this question?—They did.

328. Did they report upon it?—I am not sure whether it was mentioned in the recommendations of the Commission. Then I see that Dr. Farr says: "It may be broadly stated that 27 in 1,000 men of the population, between 20 and 60 years of age, are suffering from some kind of disease or other. Consumption, the most common fatal disease, lasts on an average two years. Selection will diminish the mortality in the first year or two, or three or four years subsequent to its exercise." So that he does not attach importance to the certificate after that period. The point of that, I take it, is that consumption may develop immediately after the medical certificate is granted, and within two years the man may be dead; simply showing that the medical certificate is not altogether to be depended upon. Then Mr. Samuel Brown says: "The selection of lives tends to bring together a body of individuals in a higher state of health, and consequently exhibiting a less mortality at any given age for some years after selection than would be experienced in the general mass of the nation. Young offices therefore frequently declare bonuses which they cannot hope to maintain;" that is to say, they are misled by the certificate. Then Mr. Gregson says that he does not attach much importance to medical examinations. "He often found in his experience of life assurance that the most robust persons died the soonest, simply because they could take liberties with their constitutions; whereas persons whose health was less robust took more care of themselves and lived the longer."

Chairman.

329. What is the practice of the industrial offices with regard to medical certificates?—There are many offices doing business without them.

330. Some of the large offices?—Yes, the Prudential, I believe, does without them for amounts up to 50 *l*. It is not proposed by the Post Office to abolish the medical certificate altogether.

331. But, as I understand, many of the industrial societies now, in the case of the smaller policies, do not have any medical certificate at all; is not that so?—I understand that to be the case.

332. What is your ground for that opinion?—I am not clear where I saw it, but I think it was in the Report of the Friendly Societies Commission.

333. When you say that you do not think they require medical certificates, have you seen it so stated; and if so, could you refer us to any authority from which you have obtained your information?—I could not say from memory where I obtained it from; but I have been read-

0.67.

Chairman—continued.

ing through the Report of the Royal Commission upon Friendly Societies, and I have been reading Mr. Walford's book, and in fact every book upon the subject that I could get.

334. You would, as I understand it, propose to insure in two different ways, to insure with a medical certificate and without one?—Yes, from 20 *l*. upwards to make it optional; but that no amount exceeding 50 *l*. should be insured without a medical certificate.

335. You say 20 *l*., because that is our minimum?—My reason for stating that amount was that the present tables might continue to be used.

336. If, for instance, Parliament should decide to reduce the minimum from 20 *l*., as you suggest, to 5 *l*., then would you say that whatever the minimum was from that minimum up to 50 *l*., obtaining medical certificates should be optional?—Yes.

337. What you, practically, would have would be two different plans of insuring; a man could obtain a medical certificate and if he died his representatives would come into benefit at once, or he could insure without a medical certificate, and if he died within a given time after the insurance was effected a portion of his premiums would be returned, but his representatives would not be entitled to the amount of the policy?—That is the proposition.

338. Have you made any estimate as to the amount of difference that you think it would make in the premiums under the two plans?—No, we have no means of knowing that.

339. Data could be obtained, I suppose, on which to form a conclusion?—Yes; I think Mr. Finlaison, or Dr. Farr, would give an opinion upon that.

340. Supposing that a man insures for 20 *l*., he may insure in two ways: he may go and get a medical certificate and his representatives would be entitled to the amount of his policy immediately, in the event of his death, or he may insure without a medical certificate, and then they would only be entitled to the amount of the policy in the event of his death occurring after a certain period from the time when the insurance was effected; and he would pay a different rate of insurance according to which of the two plans he insured under?—Yes.

Mr. Mitchell Henry.

341. That would be a table of the value of the medical certificate?—It would come to that.

Lord Lyndington.

342. Why do you make 50 *l*. the differential sum between insuring with and without a medical certificate?—Because I find that in operation in some societies. The Prudential Assurance Society, for instance, draw the line at 50 *l*., and they are doing a very large business in that way.

Chairman.

343. Have you any further remarks to make upon this point with reference to medical certificate?—No, I think nothing further.

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344. Do

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Mr. CARDIN.

[Continued.]

Mr. John Hollond.

344. Do you approve of the suggestion that if the assurance is made without a medical certificate there should be no payment in case of death occurring within two years; does the period of two years strike you as a right one, or would you suggest one year, or would you agree with another alternative suggestion which has been made, namely, that up to two years only half the amount of the policy should be paid?—That is a question, I think, upon which we should like to take the opinion of an actuary. I have no opinion outside that. We have no data upon which we could form an opinion.

345. Does it not strike you that it would rather damage the business of the Post Office if a man met with an accident and died from it in six months and got absolutely nothing, whereas if he got only half it would be something, and it would not make the office so unpopular?—I believe that is the case with the societies where they have abolished the medical certificate, and I take it that their experience would go to show that it does not damage them. The policy holders do not come into benefit, as the term is, until various times; some in half benefit in 26 weeks, and full benefit in 52 weeks.

346. Are there any as long as two years?—Not in this table, but I think the idea of the two years arose more from the opinion of Dr. Farr and others.

347. You think that it would be well to bring forward some proposition analogous to the system of the private societies?—Yes.

Mr. Brand.

348. Beyond the protection which those offices have against fraud or loss in respect of medical certificates and protection arising from deferred benefits, have they not this further protection, that they make very large profits by the policies which lapse to the company after one or two premiums are paid?—There is a general impression to that effect, but there is some important evidence on that point in the case of the Prudential Assurance Company which I was quoting from just now. They state that their general business is so profitable that they object to lapsed policies, and that lapsed policies are a loss. They put that into the mouth of an actuary, and I am not able to disprove it.

349. But it is the fact that there are a great number of lapsed policies?—Yes; a very great number.

350. What would be the dealing of the Post Office with lapsed policies?—Simply that they would benefit the common fund.

351. The Post Office do not return any of the premiums to the insurers?—That would depend upon whether they were under money returnable tables or not. There are two sets of tables, money returnable tables and money not returnable tables.

352. I see that there are two books, which are different, and that in the one case you return something and in the other you return nothing?—Yes, there are two tables, and there are differ-

Mr. Brand—continued.

ent rates. I may say that the application for the proposal would contain questions which, if properly answered, would bring out whether there was at the time in the man's system anything dangerous to life; and, of course, in the event of any statement being proved to be false the policy would lapse; and also, a friend, or two friends, might give evidence to the same effect, so far as their knowledge went. That, I believe, is required done by the industrial companies.

Mr. Mitchell Henry.

353. What precautions do the offices who have dispensed with the medical certificate take in lieu of the certificate; have they anything besides the declaration of the man and his friends as to his state of health and the answers to the various inquiries that are put in the paper?—I know of no other protection.

354. If you were to dispense with the medical certificate, do you contemplate a more strict series of inquiries than you now make from persons wishing to insure?—Possibly of a different kind. A doctor would know what questions to ask as regards any complaint which was likely to be fatal within the period fixed, whatever that might be.

355. Would you ask medical questions in your printed paper to be answered by the proposed insurers?—Only such questions as they could answer. I do not mean any complicated question; but questions, for instance, about ruptures, and things of that sort. The doctor would frame such questions as he considered they could answer.

356. A question of very great importance is whether a man has had rheumatism with some affection of the heart, and that has a very material effect upon the probability of life; would you leave a question of that kind to be answered by the man and his friends, or would you not ask it at all?—I am not aware whether a doctor could frame a question which would ascertain that, or whether he could put it in such a way that the man could answer it; but as regards that point, the societies are carrying on business under these circumstances, and that is the test as to whether the people could give answers which would be useful.

357. I am quite ready to take it, that the societies are carrying on business, dispensing with medical certificates; but I should like to have, and I think the Committee would like to have, distinct and accurate evidence as to the extent to which that is done, and as to the kind of precautions that are taken; and also as to the question whether these societies being intended primarily for profit, and not for benevolence, do not, in point of fact, without going beyond honesty, make as much out of the insurers, and pay as little in insurances as they possibly can, which I take it is the exact opposite of the intention of Parliament in instituting insurances for the lower classes through the Post Office?—Yes. I could make inquiries in that direction before I come again.

Friday, 3rd March 1882.

MEMBERS PRESENT: -

Mr. Brand.
Mr. Duff.
Mr. Fawcett.
Lord Edmond Fitzmaurice.
Mr. Goschen.
Mr. Harcourt.
Mr. Mitchell Henry.

Mr. John Hollond.
Sir John Kennaway.
Mr. Loder.
Lord Lymington.
Mr. Charles Ross.
Mr. Sclater-Booth.
Mr. Storer.

MR. FAWCETT, IN THE CHAIR.

Mr. JAMES JOSEPH CARDIN, called in; and further Examined.

Chairman.

358. Mr. TURNOR promised to supply the Committee with some information when he was examined; and I believe he has entrusted that information to you, and therefore I will ask you to give it to the Committee; in the first place, you have a table which shows the number of insurance policies that have been effected since the Act came into operation, and the number of deaths that there have been, so that any actuary could calculate whether the rate of death has been abnormally high or abnormally low; will you give those figures?—In the space of 17 years, that is from the commencement, on the 17th April 1865, to the 31st December 1881, 6,524 contracts have been issued, and 469 deaths have taken place; in each case a medical examination was made; Mr. Finlaison will be able to say whether this result is good or bad.

359. Then Mr. Turnor also promised to find out, so far as he could, the occupations of the people who had insured; we found it would be a great trouble to go through them in every case, but we have taken 200, selected indiscriminately, which will give a fair average of the occupations; you can put that in in a table, can you not?—Two tables are prepared, "Analysis of the Occupations of 100 Insurance Proposers from February to May 1867," and the same for a period from February to May 1877. These tables give the occupation and the number of persons of each occupation who have effected insurance. (*The Tables were delivered in.*)

360. The general conclusion is that there are very few of what you may call working men amongst them; is not that so?—There are very few of the artizan class.

361. Then a question was asked last time as to the amount of insurance business done by the Post Office in England, Scotland, and Ireland, and an opinion was expressed, I think, by one of the members of the Committee, that the amount of business in Scotland was proportionately larger
0.67.

Chairman—continued.

than in England; can you give us the figures?—Yes, I am prepared with a statement.

362. Will you read out the summary?—"Statement showing the Number of Insurance Contracts in force on the 31st December 1881, in England, Ireland, and Scotland respectively: England, 4,252; Ireland, 173; Scotland, 132." (*The Table was delivered in.*)

363. So that the business in Ireland and Scotland is, in proportion, considerably less than in England?—Considerably less than in England.

364. Is there any other table which you wish to put in, or any fact which you wish to state?—There was a blank left in the evidence of Mr. Turnor last time, which I will supply now, with your permission.

365. You have some further information to give as to the hours in which insurance and annuity business is done at Post Offices; will you state it to the Committee?—The hour at which money order business closes varies according to circumstances, say from four to six o'clock; insurance business is only transacted during the time the offices are open for money order and savings bank business; the time at which offices are closed varies considerably, but it is generally from four to six o'clock.

Mr. John Hollond.

366. Not later than six, do you say?—Yes; except on Saturdays, when business at most places is continued till eight o'clock.

Chairman.

367. On week days, six may be regarded as the latest hour; at some places until four; but on Saturdays many offices are kept open till eight o'clock?—Yes.

Mr. Harcourt.

368. That only refers to towns, does it not?—Yes.

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369. Then

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Mr. CARDIN.

[Continued.]

Chairman.

369. Then I asked you to get some information to show the effect that the change that has been suggested by yourself in doing insurance and annuity business through the Post Office savings banks, would have in multiplying the number of offices, and I think that can be brought out by taking some counties which I have selected. I have selected three agricultural counties, one manufacturing and agricultural county, and also a county in Scotland and Ireland; I think you have figures which show the number of Post Office savings banks, and the number of Post Office insurance offices in the counties of Wiltshire, Oxfordshire, Cambridgeshire, Yorkshire, Aberdeenshire, and Cork?—Yes.

370. Will you give them, if you please?—In Cambridgeshire, 49 Post Office savings banks; 16 insurance offices.

371. So that if your proposal were carried out, instead of there being 16, there would be 49 offices in Cambridgeshire at which insurance and annuity business would be done?—That is so.

372. What is the next county?—Wiltshire, 57 Post Office savings banks, 24 insurance and annuity offices; Yorkshire, 479 Post Office savings banks, 133 insurance and annuity offices; Oxfordshire, 55 Post Office savings banks, 15 insurance and annuity offices; Aberdeenshire, 49 Post Office savings banks, 8 insurance and annuity offices; county Cork, 63 Post Office savings banks, and 5 insurance and annuity offices.

373. So that those figures bring out this result: that in the English counties (and those counties have been selected at random, I may say, not for any special reason) it appears that the proportion of Post Office savings banks to Post Office insurance and annuity offices is, on the average, about three to one; whereas, in Scotland and Ireland, there is a very much smaller proportion of offices which are insurance and annuity offices?—Yes; one-sixth in the case of Scotland, and one-twelfth in the case of Ireland.

374. And that may partly account for the fact that there has been so very much less insurance and annuity business done in Scotland and Ireland than in England?—In part; and it is in part due to the difficulty of getting medical officers for examinations.

375. Thinking that it may be interesting to the Committee, I have asked you to prepare some tables which bring out what would be the advantage, as I think, of the scheme which is recommended. The case I put is this: I suppose that a person deposits 100 *l.* in the Post Office savings bank when 20 years of age, that he deposits another 100 *l.* when 30, and another 100 *l.* when 40 years of age, and that these sums of 100 *l.* are invested in Government Stocks through the Post Office savings bank, and instructions given to devote the interest to the purchase of a deferred annuity to come into operation at 60 years of age, on two principles; one, that the money might be returned which has been invested in this purchase, if a person should die or want to give up purchasing an annuity before 60; and the other upon the non-returnable plan; and then, I suppose, that when a person arrives at 60 years of age, he converts the 300 *l.* into purchasing an immediate annuity. Would you give the Com-

Chairman--continued.

mittee the result which will show the income which a man in this way might obtain by the investment of 300 *l.* under the different plans, the non-returnable and the returnable?—Under the money not-returnable table, at 20 years of age an annuity of 36 *l.* a year, to commence at the age of 60, could be purchased.

376. By paying 100 *l.* in, and using the interest?—By converting the deposit into stock, and applying the dividend, of 3 *l.* per annum, to the purchase of the annuity. That is assuming, of course, that the stock was purchased at *par*. At 20 years of age that would purchase a deferred annuity, to commence at 60 years of age, of 36 *l.*; at 30 years of age an annuity of 21 *l.* 3 *s.* 6 *d.*; and at 40 years of age an annuity of 10 *l.* 14 *s.* 11 *d.*; so that on the person arriving at the age of 60 the three annuities would become payable, and would amount to 67 *l.* 18 *s.* 5 *d.* per annum. Then, by purchasing an immediate annuity with the capital of 300 *l.*, 28 *l.* 8 *s.* 3 *d.* could be purchased, making a total annuity of 96 *l.* 6 *s.* 8 *d.* to the end of the life of the annuitant.

377. So that a man, by saving 300 *l.*, keeping the capital intact until he arrived at the age of 60, could, in this way, become the owner of an annuity, at the age of 60, of nearly 100 *l.*?—Yes.

378. And the whole process would be accomplished by his giving an instruction, as it were?—Yes.

379. That is to say, he would never have to go to the savings bank to make any payment?—No further payment.

380. We have got to this point, that you have shown what a person would be entitled to in the shape of an annuity if, at the age of 20, he invested 100 *l.* in the Post Office savings bank, and then purchased Consols with it, and gave instructions to have the interest employed in the purchase of an annuity, to commence at 60 years of age, on the non-returnable principle?—Yes, 36 *l.* a year.

381. And if he invested 100 *l.* at 20 years of age, and another 100 *l.* at 30, and another 100 *l.* at 40, you find that he would be entitled to an annuity, at the age of 60, of how much a year?—Under the non-returnable table, 67 *l.* 18 *s.* 5 *d.*; under the returnable table, 46 *l.* 5 *s.* 10 *d.*

382. Then, if he converted his 300 *l.* capital at the age of 60 into an immediate annuity, at 60 he would have an annuity of how much?—It would be 28 *l.* 8 *s.* 3 *d.* For the immediate annuities there is only one table.

383. Therefore, on the non-returnable principle, by applying the 300 *l.* in the manner explained, a person at the age of 60 could become the possessor of an annuity of how much?—£. 96. 6 *s.* 8 *d.*

384. And on the returnable principle, how much would it be?—On the returnable principle, 74 *l.* 14 *s.* 1 *d.*

385. Then you have another table there, have you not, to show another result?—Yes, this is where the depositor directs that the dividends should be devoted equally between an insurance premium and a deferred annuity.

386. A deferred annuity on the non-returnable principle?—On both principles.

387. What are the results?—On the non-returnable principle the accumulated annuity would

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MR. CARDIN.

[Continued.]

Chairman—continued.

would be, at the age of 60, 33*l.* 19*s.* 2*d.*, and the accumulated insurance policies would amount to 189*l.* 17*s.* 9*d.*

388. That would not be upon 100*l.*?—That would be on the 300*l.*

389. This is the same case as before, except that he divides the amount of the dividend between a deferred annuity and a life assurance?—The same case as before, but dividing the amount equally between a deferred annuity and a life insurance. The result of that would be 33*l.* 19*s.* 2*d.* deferred annuity at the age of 60, under the non-returnable table, with a life insurance policy of 189*l.* 17*s.* 9*d.*; then, by purchasing an immediate annuity with the capital, it would result in a total annuity, from the age of 60 to death, of 62*l.* 7*s.* 5*d.*, and a life insurance policy of 189*l.* 17*s.* 9*d.* on the same conditions as before.

390. The life policy being the same?—The life policy being the same. Under the returnable table the accumulated annuities at the age of 60 would amount to 23*l.* 2*s.* 10*d.*, and the immediate annuity would be the same as before, giving a total annuity, to commence at the age of 60, of 51*l.* 11*s.* 1*d.*, with a life insurance of 189*l.* 17*s.* 9*d.*, as before.

Mr. Mitchell Henry.

391. All this implies, 100*l.* saved by people between the ages of 20 and 30, and 30 and 40. Suppose a person at 20, 30, and 40 had 100*l.* and no more, what would happen if there were only 100*l.* paid at those three ages?—That is shown in the table just given in.

Chairman.

392. Will you explain the difference between what is called purchasing an annuity on the returnable and on the non-returnable principle?—It is simply this, that the annual premiums under one table can be returned if the applicant dies or finds it inconvenient to continue the payments, and wishes the money returned.

Mr. Goschen.

393. Do you mean returned in full?—Yes.

Chairman.

394. Without interest?—The actual money paid in is returned without interest; in the other case, the annuitant loses the money if unable to continue the payment.

395. Some evidence was given at the last meeting of the Committee about the increase of the maximum insurance. If you increase the maximum simply with the idea of enabling small insurances to be effected, the same object would be attained if the payments on the small insurances were somewhat increased; it is a mere question of tables, is it not?—Yes, that would simply be a question of tables; but may I say that it was not simply upon that idea.

396. You think it was to meet a demand, do you?—To meet a demand for larger amounts.

397. Where would you stop; is it not the case that friendly societies are allowed to insure 0.67.

Chairman—continued.

up to 200*l.*, and that the Bill which we are now considering, as originally drawn, proposed the same limit for the Post Office as for friendly societies?—Yes; a 5*l.* minimum and a 200*l.* maximum.

398. Therefore, what you would propose would be that we should revert to the plan, as originally proposed by Mr. Gladstone, of a minimum of 5*l.* and a maximum of 200*l.*?—Yes.

399. So as to make our practice, as it were, co-terminous with that of the friendly societies?—Yes. May I state, upon that point, that the Royal Commission, which sat to inquire into the working of the Friendly Societies Act, recommended in its Report, which was published in 1874, that the existing system of Government insurance, through the Post Office, for death and deferred annuities, be extended so as to cover the whole ground now occupied by what is termed industrial assurances.

400. Then I understand, so far as insurance goes, that the same ground would be covered, as regards amount, if you reduced the minimum to 5*l.* and increased the maximum to 200*l.*?—Yes.

401. To what extent should we have to increase the maximum limit for annuities; are the friendly societies limited with regard to the amount of annuities?—I think not.

402. Not at all?—No, I think not; but Mr. Finlaison could inform the Committee better than I can.

403. What is the minimum in the Post Office?—£. 4.

404. Would you see any advantage in lowering that minimum?—Yes; I think it would be an advantage to enable any person to purchase the smallest amount practicable upon a single payment.

405. And effecting it through the Post Office savings bank; there would be no difficulty in doing it, would there?—No difficulty whatever, as regards the collection.

406. Would you limit it to 1*l.*, or would you fix any limit?—I would leave it to the actuary who prepared the tables to say what amount could be conveniently fixed.

407. Then you gave some evidence at the last sitting about medical certificates; I think you have had an opportunity of looking into the subject further. Is there any other evidence you would like to give the Committee?—Not at present. I have been looking into some points, but found it very difficult to get the information I should like to give; simply for want of time, I have not been able to get it yet.

408. In those industrial societies which allow a policy to be effected without medical certificate, would they describe it as a deferred payment?—No; they call it not being entitled to the benefit.

409. And the limit in no case is more than a year?—Quite so.

410. And in many cases six months, is it not?—Half benefit in six months, and full benefit in 12 months.

411. And in some cases even less than that?—In one society members can come into quarter benefit in 15 weeks.

412. But there is no case in which it is more than

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Mr. CARDIN.

[Continued.]

Chairman—continued.

than 12 months?—There is no case in which it is more than 12 months that I am aware of.

413. It has often been said, and I think with truth, that one of the great reasons why the Post Office has not done a larger insurance or annuity business is, that we have no system of personal collection, and that the industrial societies collect personally, from house to house, the weekly and monthly premiums?—Yes.

414. Various proposals have been made from time to time, that the Post Office should undertake this personal collection; do you think any of those proposals are practicable?—No, I have not seen any practicable one at present.

415. Perhaps you would describe to the Committee what you think are the difficulties or the objections in the way of the Post Office undertaking personal collection?—If the out-door officers of the Post Office, letter carriers and others, made the personal collection, as has been proposed by some, there would be a danger of its interfering with their ordinary work, because for their ordinary work they would be paid fixed wages, but for the other work they would probably be paid according to the amount of business done.

416. By a commission?—By a commission, or some other plan. Therefore it would be a great temptation for those men to stay, if they saw an opportunity of giving any information upon the subject, and thus delay the delivery of letters; whatever regulations were made it would be impossible to check the men in that respect.

417. Then would you see any objections to employing, at any rate in some districts, a special staff to collect?—The objection to a special staff would be, that it would be so expensive in a large business like the Post Office, distributed all over the kingdom; and, of course, it would require much supervision to look after those men. It would be necessary to establish a system of accounting with them.

418. It has been argued that, as private societies do it, the Government might undertake the personal collection; but then there is not the same margin of funds for the Government to draw upon, because they cannot invest their money at so high a rate of interest, can they?—That is so; they are limited as regards the investments.

419. Do you see any objection, independently of the expense, to the Government's soliciting for business?—I think, as a matter of principle, it is very undesirable.

420. Is it your idea that the Government should offer facilities, but should not solicit people for business?—Exactly so, that is my idea.

421. You think, if we had a special staff, it would be so expensive that we should have to charge so much more, which would place a great obstacle in the way of people insuring or purchasing annuities?—I think there can be no doubt that it would be necessary to increase the charge to the insurants, in order to meet those extraordinary expenses; but, if I might say a few words as regards the societies doing it, there is no case of a society having so many agents as the Post Office; therefore, the control must be different; the Post Office organisation extends throughout the United Kingdom.

Chairman—continued.

422. Suppose from time to time we might increase the insurance and annuity business at the Post Office, so as to confer great advantages on the public, for instance, to make it embrace some of the objects that are now attained by the industrial benefit societies, such as to give sick pay; do you think there would be objections to that?—Yes. It is considered that it would be very objectionable for the Post Office to undertake sick pay business; in fact, it is not thought that any society could supervise or examine into the claims made without responsible officers on the spot, so as to prevent malingering and other impositions.

423. Is that opinion entertained generally, do you think, by people who have looked into the matter?—Yes, that is the general opinion, I may say the universal opinion, so far as I am aware, in the Post Office.

424. According to the present tables the Post Office is not allowed to undertake any special risks; and the special risks are somewhat curious, I think; we are not allowed to insure the life of any miner, or any butcher, or any sailor; is there anyone else excluded?—Sir Rivers Wilson will probably answer that question. There is a special table kept for that at the National Debt Office; it is a National Debt Office question.

425. A proposal has been made that a man, by paying a small amount, should be able to insure in the Post Office, in the event of fatal accident; do you think that would be a desirable business for the Post Office to undertake?—No, we do not think that would be desirable.

426. There is a proposal which I believe the Committee will be asked to consider, and which is being very much supported by some well-known working men, Mr. Howell and others; will you state your views as to that?—The proposal is that an insurance should be effected through the Post Office, against fatal accidents, at a premium at the rate of 2s. 6d. per cent., that rate is based, I believe, upon some figures prepared by Dr. Farr. It is stated in Mr. Lever's Paper that it was computed that, taking the mean ages of all classes between 40 and 50, an annual premium of 2s. 6½d. net would suffice to insure 100l., payable at death, by fatal accidents only; that, of course, could only be if everybody insured, but there is every reason to suppose that that would not be the case. Then again, although Dr. Farr alludes to the net amount, there is no provision for working expenses in the suggestion made by Mr. Lever.

427. That would be a question of the amount of payment, would it not?—Yes; but the proposal that 100l. should be insured for 2s. 6d. could not be carried out, for the reasons just given. Then a question would arise as to what is a fatal accident. Must a man die on the day of the accident, or within what period must he die in order to entitle his representatives to the benefit of the insurance? Questions would also arise, in the case of a man dying some months or a year after an injury, as to whether he should not be entitled to some compensation. The Post Office Department would not be inclined to entertain the proposal.

428. But your great objection seems to be a financial

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Mr. CARDIN.

[Continued.]

Chairman—continued.

financial one, and it is this: that you could not make this insurance general; only those people would insure who were engaged in the employments which involve special risks, such as coal miners; would you get those who were peculiarly liable to accidents, and not those who are not so liable to accidents?—Yes.

429. Assuming that the policy should only be paid in the case of death within a certain period after an accident, if you calculated (which I suppose could be done) what amount of extra premium should be paid in certain employments to cover a special risk; there would then be no financial objection to it, would there?—I am unable to say whether tables could be prepared upon those grounds; but if they could, so far as the Post Office is concerned, there would be no difficulty about the collection.

430. That is what I mean. There would be no departmental difficulty from that point of view, if proper tables could be prepared to meet those special risks?—No difficulty at all.

431. Are there any other points that you would like to mention?—No, there are no other points.

Mr. Duff.

432. I want to ask you one question about commission. I suppose when private companies do business they give a considerable commission to the agents, do they not?—I understand so.

433. I suppose that makes them press their business?—Undoubtedly.

434. Has the Post Office ever contemplated giving commissions?—The matter has been discussed at various times. It is rather against the principle upon which Post Office officers are paid, because officers of Post Office give their whole time to the service, and the rule is not to give extra allowances at all.

435. That must have a considerable bearing upon the question of the success of this kind of thing?—There is no special inducement offered by the Post Office for insurance and annuity business.

436. In fact, the private companies press their business, but you wait for the people to come to you; that is the difference, is it not?—That is the difference.

437. You said just now that you did not allow insurance of sailors; do you know whether that includes fishermen?—There are certain exceptions; but all cases not included in our printed tables are referred to the National Debt Office, and decided upon there.

438. I thought you said, in answer to the Chairman, that sailors were exempted?—No, I said Sir Rivers Wilson would answer that question.

Mr. John Holland.

439. I should like to know what class of people under this Act of Parliament are excluded; are they excluded under the Post Office Act of 1864?—No, it would not be in the Act. It would be included in the regulations for preparing the tables of rates. The National Debt Commissioners were authorised to prepare tables, and they have done so.

440. The National Debt Commissioners have 0.67.

Mr. John Holland—continued.

prepared tables, but have they the power to exclude certain classes of the community from the benefits of this Act?—I have no knowledge as to that. Sir Rivers Wilson would answer that question.

441. Is everyone entitled to insurance who comes and applies, if he is a good life?—I should say not as a matter of course.

442. You cannot point to any clause in the Act which gives the power to reject good lives, can you?—I have no knowledge of any clause of that kind.

443. With regard to the medical certificate, you are not required to have that by Act of Parliament, are you?—No.

444. You could make a change in that respect without any change in the law?—I understand that it is simply a matter of regulation.

Mr. Brand.

445. You said just now, in answer to the Chairman, that you were in favour of increasing the maximum amount to 200 l.?—Yes.

446. Because there was a demand for larger insurances?—Yes.

447. In what way have you felt that demand at the Post Office?—Through the public. I understand a very large number of applications were made. They are not continued now, because it is getting generally known that we are limited as to the amount. I have given in a table, which shows that about two-thirds of our insurances are for the maximum amount. That would indicate, I think, sufficiently that large amounts are favourably regarded.

448. That is to say, at the Post Office you have not felt any demand really for insurance, as we understand life insurance, on the part of the labouring classes; very little, at any rate?—Very little indeed.

449. And the demand has been, as you say, on the part of those who wish to insure for larger sums?—Yes; the people who have availed themselves of the existing Act have done so for the larger amounts.

450. As you stated on the last occasion, your premiums for larger sums are considerably higher than those which are now given by the companies?—Not considerably; but taking the average of a large number of offices, the difference is about 3 s. 2 d. per cent., I think, speaking from memory.

451. When you speak of larger sums, what amount do you mean?—£. 100.

452. Not more than 100 l.?—No.

453. You are limiting it to 100 l.—Exactly; that is our present limit.

454. Then I understand your answer to be that you would propose to extend the limit considerably because you have a demand for larger sums?—Yes.

455. What limit do you propose?—£. 200.

456. I think you said also that you thought it was justifiable, because it was desired to cover the whole ground now occupied by the Industrial Insurance Offices?—Yes.

457. In the industrial branch, very few of the insurances are so high as 100 l., are they?—I am not

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Mr. CARDIN.

[Continued.]

Mr. Brand—continued.

not aware to what extent they go, beyond the fact that they are empowered by the Act of Parliament to go to 200 l.; what business they do I am not in a position to say.

458. Are you at all aware what the average amount of insurance is in those offices?—No, I am not.

Mr. Harcourt.

459. I suppose that the object of the Post Office in making these arrangements is to encourage very small investments, to receive money from the very poor, and for their benefit especially?—That is the chief object.

460. Then I wish to ask, whether you think that this scheme of which you have been telling us, for deferred annuities and so on, would not strike the very poor as somewhat speculative in its nature, and would hardly be intelligible to them; so far as my experience goes (and I have a good deal to do with the poor in country districts), I find that they look a great deal more to the safety of their money than to large interest; I should like to know whether you do not think that some such scheme as has been put forward by Mr. Whitehead, who has written to the members of this Committee, might be adopted by the Post Office. I am simply taking his words, without any knowledge of the actuarial facts. Supposing, for instance, the Post Office were to take one shilling as a minimum, and say that the payment of a shilling should at death insure the receipt of 2s. 6d., then supposing the insured person died after a certain number of years, the shilling should be returned without any interest; do you think any plan of that sort could be worked by the Post Office?—There would be no difficulty, so far as the Post Office is concerned, in collecting these amounts. It would be simply a question of tables, as to where the limit should be fixed and the way in which the amount of the premium or single payment should be dealt with.

461. I was asking simply with regard to the security to be obtained by the persons paying the money, and not as to its being a loss to the Post Office?—That would depend upon the tables.

462. Of course it would; but supposing the tables to be fixed with regard to that, very small insurances, much smaller than 5 l., would be practicable, would they?—I should say so. There would be no difficulty about the collection.

463. I think you have said that the limit must be left to an actuary?—The limit must be left to an actuary.

464. Then you have told us that there is no practicable proposal yet made as to the personal collection, and that you saw objections to Post Office carriers being employed, and a special staff; but do you not think that by facilitating very much the investment of small sums, very much smaller than the 5 l. which you have mentioned, that difficulty might be got over in village post offices?—That is part of the present proposal; amalgamating the insurance and annuity business with the Post Office Savings Bank. It would be possible, under the proposal made, for a depositor to put away so small a sum as a penny per week upon a stamp slip, and when the money

Mr. Harcourt—continued.

accumulated, to pay it into the nearest Post Office Savings Bank as a deposit; it would subsequently be transferred from one account to the other.

465. But I did not understand, from your evidence the other day, that there was any arrangement at present by which a stated sum, or such sum as a shilling or any other smaller sum being once paid, a depositor's representation should be certain of receiving another sum, 2s. 6d., or whatever it is at death, unless he makes some renewed payment?—There are tables under which by a single payment a life can be insured for larger amounts.

Chairman.

466. That is for 20 l., is it not?—Yes, or more than that.

Mr. Harcourt.

467. What I mean is that in country districts this would be absolutely useless, so far as the working classes are concerned; 20 l. there is a fabulous sum in most cases, and what I am trying to get at is how, without damaging the funds of the Post Office, we could arrive at the very smallest possible sum at which to allow the poorest people to make an insurance in the Post Office, without being obliged, from time to time, to renew their payment?—So far as the Post Office is concerned they can receive any amount, from a shilling upwards, without any difficulty at all. What that would produce to the insured would depend upon the new tables. There would be no difficulty, so far as the Post Office is concerned, in collecting a shilling.

468. So far as the principle is concerned there would be no difficulty?—There would be no difficulty whatever.

Lord Edmond Fitzmaurice.

469. I wish just to follow up that question of Colonel Harcourt's a little further. I suppose that you are of opinion that one of the principal objects of any scheme of this kind is to diminish poor relief?—Yes, that would be one of the objects.

470. And that therefore the deferred annuity portion of the scheme is of the very greatest importance?—Of very great importance indeed.

471. Your case is, at this moment, that the deferred annuity scheme has no very greatest influence on the working classes?—Not at present.

472. And you attribute that to the fact that the limits of payment are not convenient?—Yes; I should explain that the smallest premium that the Post Office can take for a deferred annuity is 2s., under the present arrangement; that is mentioned in the Act, and it interferes very much with the present business.

473. Taking 5 s. a week as being a fair sum to take as the amount which is allowed, in many cases, to a married couple for outdoor relief after a certain age, that is 13 l. a year, for what sum would a man at the age of 20 be able to buy a deferred annuity of 13 l. by one payment, the deferred annuity to commence at the age of 60?—

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Mr. CARDIN.

[Continued.]

Lord Edmond Fitzmaurice—continued.

The required payment would be 20*l.* 18*s.* 2*d.* under the non-returnable table, and 39*l.* 6*s.* 6*d.* under the returnable table.

Mr. Mitchell Henry.

474. I do not understand whether you have given us a table, or will give us a table, of the effect of a deposit simply of 100*l.* at the ages of 20, 30, and 40, without making any additions to it in the way of giving an annuity and life insurance?—Yes, I will give that in, if you please.

475. Your tables imply that a person who has at one period of his life 100*l.*, shall at a subsequent period of his life have another 100*l.* to add to it?—Are you speaking of a single payment, or do you mean by using the interest, may I ask.

476. A single payment or an accumulation in the Post Office of small sums amounting to 100*l.*?—This table is simply utilising the dividend for that purpose. I will put in a table giving the different amounts you ask for.

477. What I meant was, utilising the dividend only. Supposing a person had commenced to deposit very early in the Post Office, at the time when he was 20 years of age and had 100*l.* in the Post Office Savings Bank, and then gave the directions, which you have described to us, to have a deferred annuity and a life insurance policy, what would he get at the age of 20 for his 100*l.*; suppose again that he had not the full sum of 100*l.* till he was 30, what would he then get, and at 40 the same, without having added in the meantime anything to it?—A person at the age of 30, with 100*l.* in the Post Office Savings Bank, could convert that into stock, and with the dividends arising from that stock purchase an annuity of 21*l.* 3*s.* 6*d.*, to commence at 60 years of age, under the non-returnable table.

478. And what insurance would he get supposing he only devoted a part of it to the purchase of an annuity, the other part being applied as a premium of insurance?—If divided equally, say at 30, the annuity then would be 7*l.* 6*s.* 11*d.* under the returnable table, and the insurance 62*l.* 14*s.* 4*d.*

479. Have you a table for 40 years of age?—A person with 100*l.* in the Post Office Savings Bank, at the age of 40 can convert that into stock, and, by dividing the dividends, can purchase a deferred annuity, the payment to commence at the age of 60, of 4*l.* 3*s.* 8*d.* under the returnable table, with a life insurance policy of 46*l.* 5*s.* 5*d.*

480. Then, your table that you will put in will, I presume, give also the sum returnable if he should cease to pay?—Yes, I can put that in.

Sir John Kennaway.

481. Would you just very briefly explain to the Committee the difference between a table with money returnable and with money not returnable; I did not follow that?—The reason for there being two tables prepared is that people sometimes find themselves unable to continue payment. Take a case of the purchase of a deferred annuity: a man after a few years finds himself unable to continue the payment, and wishes the money already paid in to be returned.

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Sir John Kennaway—continued.

That can be done under the money returnable tables; he pays a different rate to that which he would pay upon the tables under which the money is not returnable.

482. Has he to make his choice at the beginning?—Yes.

483. He has to say, I wish to purchase an annuity at the rate calculated, so that I shall have my money back if I am unable to continue the payments?—Yes, that is so.

484. But suppose he dies before the age of 60, what happens then?—Under the money returnable table, the money would be returned, but under the non-returnable table it would not be returned.

485. He would lose the whole benefit of it?—Yes, he would lose the whole benefit of it; the money paid in under the non-returnable table is not returned in any event.

Chairman.

486. Not the capital?—He simply loses the money paid in as premium; all the premiums paid in are lost, nothing more.

Lord Edmond Fitzmaurice.

487. The capital really is a deposit?—Yes, the capital is the 100*l.*

Sir John Kennaway.

488. He loses all interest on that?—Yes, from the time it was paid in.

489. Does he receive back his capital if he has insured on the non-returnable table?—Do I understand that by the capital you mean the money in the Post Office Savings Bank?

490. Yes?—That is available to be drawn at any time. Perhaps I might explain it in this way. The tables are prepared simply with reference to the premium to be paid upon the annuity, and without any reference whatever to where the money is derived from to pay it with; the money to be returned or not returned is the premium paid on account of the annuity; but the source from whence that money comes is not affected at all whether the man pays the money in directly from his own pocket, or whether it is derived from the dividends on the stock invested.

491. Under the non-returnable tables would the man lose everything by death before the age of 60?—He would lose nothing but the money paid into the National Debt Office, through the Post Office, by way of premium on the annuity. For instance, if he had paid a premium of 3*l.* a year for 10 years, he would lose 30*l.*

492. He would lose the whole of that?—Yes, he would lose the 30*l.*

493. Do you think that, on those terms, these deferred annuities are likely to be acceptable to the public?—That is the principle upon which the deferred annuities are being issued by the National Debt Office.

Lord Edmond Fitzmaurice.

494. That is only on the non-returnable system?—Yes.

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495. Are

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Mr. CARDIN.

[Continued.]

Mr. Loder.

495. Are there not any commissions paid by the Post Office?—All the officers of the Post Office are paid by salary; but the sub-postmasters are paid by commission for the work they do.

496. I was only calling your attention to the fact, that you said no commission was granted by the Post Office?—That applied simply to officers in the pay of the Post Office, where they give their whole time to the business.

497. You say that they get a percentage on the sale?—Sub-postmasters get a poundage of one per cent. upon the postage stamps sold; but they do not give their whole time to the service of the department. They are not officers of the Post Office; that is the distinction I wish to make.

Mr. Loder—continued.

498. If you make a difference at all, it is not on the principle of what is called "touting," but the taking up of their time in giving out postage stamps?—Yes; they are generally tradespeople at the sub-offices, and they are paid in that way.

499. You have to give them a premium for that?—Yes.

Sir John Kennaway.

500. Are you aware of Mr. Tidd Pratt's efforts to introduce this system of deferred annuities; are you aware that he made great efforts to get this taken up by the working classes?—I am not aware of that.

Sir RIVERS WILSON, called in; and Examined.

Chairman.

501. WHAT is your position in connection with the National Debt Commissioners?—I am the Comptroller General of the National Debt Office and Secretary to the Commissioners of the National Debt.

502. You have had an opportunity, have you not, of looking at the evidence that was given at the first meeting of the Committee, and of hearing Mr. Cardin's evidence to-day?—I have had an opportunity of seeing the evidence, but not of studying it very attentively. I should like to have an opportunity of going through it more leisurely.

503. You have heard of the proposal which is being brought forward, to reduce the minimum amount that is now insured, and also the minimum amount of annuities granted, and to raise the maximum both with regard to insurances and annuities; can you tell the Committee to what extent it would be necessary to alter the tables to do that, and whether you think any alteration necessary?—As regards that particular question I should like to refer you to the actuary of the National Debt Office, Mr. Finlaison.

504. Then, at the present time, the financial results, as I understand, of the insurance business transacted at the Post Office show a profit, do they not?—The financial result on the joint fund for deferred annuities and for insurances shows a profit. I am prepared, if the Committee wish it, to state the figures of the valuation prepared under the second of the two Acts passed together, 27th and 28th Vict., c. 43 and c. 46. It was required by the latter Act that a quinquennial valuation should be made of the state of that fund by the National Debt Commissioners, and furnished to the Treasury. The valuation has recently been completed, although it has not yet been sent in to the Treasury, for the quinquennial period terminating the 31st December 1880; and if you wish it I will state to you the figures showing the results.

505. I am sure the Committee would like to hear it?—You will understand that the funds for insurance and for deferred annuities are treated as a single fund; but I will give you the figures separately. Mr. Finlaison, who is the actuary of

Chairman—continued.

the National Debt Office, and upon whose valuation we make this return to the Treasury, states that the liabilities on account of deferred annuities are 96,000 £, the assets on account of the deferred annuities fund being 93,485 £, showing apparently some small loss upon that fund. On the side of the insurances, the liabilities stood at 52,084 £, and the assets represented a total of 83,329 £. The total liabilities for the whole fund amount to a sum of 148,084 £, the assets being 176,814 £, leaving a surplus of 28,730 £.

Mr. Brand.

506. May I ask what tables those are taken from?—The valuation is made in full detail of all the different transactions, supplied by the Post Office, and by our own office, and by the Trustees of the Savings Banks, and by the tables under which the contracts were entered into.

Chairman.

507. Then those figures show a profit of something like '60 per cent. on the insurance business, compared with the liabilities?—Yes.

508. With a small loss on the annuities?—Yes. This is an extremely technical matter, and Mr. Finlaison will have some explanation to give you upon that point; probably, also, as to how far that does represent a loss or not.

509. Do you think that those results, as regards the insurance business, arise from the tables being fixed too high, or from there being anything abnormal about the lives we have to insure?—I should be inclined to think that the latter reason which you assign has probably a great deal to do with it. I am informed that the result of the examination of these matters goes to show that an exceptionally good class of lives has been insured under this system.

510. If we afforded additional facilities, would not a good class of lives continue to insure?—I think the more you increase the facilities the more you will reduce the average healthiness of the lives. At present I cannot but think that a great number of people are deterred from coming to insure under the Post Office arrangements in consequence of the trouble and the inconvenience they

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Chairman—continued.

they have to undergo, the investigation, the declarations they have to make, the answers which they have to return to a variety of rather searching and inquisitorial matters; I think, therefore, anything which goes to do away with all those impediments, and to facilitate the acquirement of those advantages, would tend to bring in a number of lives which do not come to be insured at the present time.

511. You speak of the vexatious sort of inquiries that the Post Office makes, and I know many complaints are often made upon that point; are you referring to what you have heard from other people when you suggest that the inquiries are unnecessarily stringent?—Yes; but I do not remember that I used the word “vexatious.”

512. No; but it is implied in what you say?—There would have been something invidious in having said that. My observation was based upon an examination of the regulations which were framed, and which are in operation now, respecting the Government insurances. First of all, there is a form of statement to be made and questions to be answered by persons proposing to insure. A number of very inquisitorial questions are addressed to the proposed insurer about his marriage, about the trade and occupation which he has followed, about whether he is a member of any benefit societies; for instance, here is a question: “Whether any of your relations have suffered from any scrofulous affection, or consumption, or insanity?” There are a number of questions of that sort, which I think might deter a man from insuring through the Post Office.

513. Also, there is one, is there not, which I have heard very much objected to, “Who is your employer?”—I think so. Not only has the proposed insurer to refer to his present employer, but he has also to give the name and address of his previous employer; then going a little further, I see that he has to be subjected to a medical examination, which medical examination, it is impressed by the regulations upon the medical examiner, shall be of a very searching description, and there are a number of very searching questions addressed to him, which I think very likely men, particularly in the class of life for whom these advantages are intended, might hesitate very often in answering. Then, after he has been examined, he has to sign a second declaration, to affirm the truth of all the statements which he has made.

514. And for small amounts the public will not think it worth while going through all this amount of trouble?—I should venture to think that all those matters which I have alluded to, do deter a considerable number of people, particularly persons in the humbler classes, from addressing themselves to the Post Office.

515. You have a copy of the regulations there, have you not?—Yes.

516. And you will furnish the Committee Clerk with a copy?—I will. They are the regulations of the Post Office.

517. I only ask you so that we may get it in the body of the evidence. Do you think those regulations are such as to deter small insurers?—That is my general impression, but it is not founded upon any official information, which, of

Chairman—continued.

course, I could not have at the National Debt Office.

518. Can you give us any evidence about the cases of special risks. There are certain lives, as I understand, which are not insured at the Post Office?—I heard the examination of Mr. Cardin upon that point, but I think there was some misapprehension either on your own part or upon Mr. Cardin's. As a matter of fact, the persons who follow these peculiar occupations which you allude to, and which are referred to specially in the regulations which we have just been mentioning, are miners, butchers, innkeepers, publicans or beer-sellers, sailors or mariners, or persons following any other occupation which shall seem likely to be attended with special risk of life. It was laid down in those very regulations to which I am referring, that the Postmaster General should, if he thinks fit, require a person following any of those occupations to pay, according to age, the premiums fixed by any tables which may be specially framed under the above-cited Act for persons following the above-named occupations. As a matter of fact, tables have been framed and are at present in use by the Post Office with reference to persons of that description; but I would just say that if there is any special circumstance connected with any life which is offered which would appear to present peculiar circumstances of risk, reference is made by the Post Office to the National Debt Office, and the actuary of the National Debt Office advises whether the life shall be accepted or not accepted, or what surcharge shall be made.

519. I was under a misapprehension. Then I understand that those persons who follow employments with special risk can be insured, but insured at a different rate?—Just so.

520. I suppose you would not like to give any evidence as to the expediency of retaining the medical certificate for small sums?—I do not know whether the Committee are aware that under the Act of 1853, relating to savings bank annuities, for the first time it was enacted that life insurances might be purchased through the medium of savings banks.

521. That was the old savings banks, of course?—Yes, the trustees of savings banks before the Post Office Savings Banks came into existence; but for the first time that principle was incorporated in an Act of Parliament, and it was accompanied by the rather singular obligation, on the person who wished to insure his life, of the necessity of also purchasing at the same time a deferred annuity; and the reason for that appears to have been to meet the difficulty which you have been alluding to, namely, the necessity of doing away with the medical certificate. The Government, if I may use a vulgar expression, made a sort of hedge to guard themselves against any possible loss which might result from unhealthy lives presenting themselves without a medical certificate. They desired that the proposer should at the same time buy a deferred annuity; but as a matter of fact, that enactment was completely inoperative. I never heard, indeed, of any proposals being made under it. I only allude to that to show that this is not the first time that the question has engaged the attention of persons dealing with these matters. As regards the doing

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Chairman—continued.

away with the medical certificate in the case of small insurances of, say, under 50 *l.* or 20 *l.*, I think that Mr. Finlaison will be able to give you some valuable information and advice; but I think I may say that, in his opinion, if you did away with the medical certificate in those cases, it would be sufficient if, in the first year, you returned part of the premiums, and if, in the second year, you were to pay one-half of the amount insured.

Mr. Brand.

522. That is in the case of death, I suppose?—That is in the case of death. No doubt certain precautions would still have to be taken, and I presume would be taken, by local officers. They would have some personal interview with the man, and judge for themselves whether the man was in a tolerably healthy state of life; but, subject to precautions of that sort, I think the thing might probably be done under such conditions as I have alluded to.

Chairman.

523. Then the Committee might gather generally, from what you say, that Mr. Finlaison and yourself would favourably entertain some proposal based upon such lines as those?—I think so.

524. Then, if the medical certificate were dispensed with, those regulations to which you referred just now could, of course, be at once greatly simplified?—No doubt they could.

525. Many of the things that are objected to by the public in this matter are associated with the medical certificate?—Undoubtedly, and that is one class of objection which I ventured to point out just now.

526. Then going back to a question I ought to have asked you before, with regard to these returns, which show a very large profit on the insurance business; on what tables are the insurance rates calculated at the present time?—They are tables which were formed after the passing of the Act, and in consequence of the directions contained in the 6th section of the Act; I might explain that the tables are made up of three elements: first of all, they are based upon the Life Table, known as the English Life Table, No. 3, which was published under the authority of the Registrar General; then the second element is the rate of interest, and the interest of money was, in accordance with the directions of the Act, taken at 3 per cent.; the third element is the loading (that is to say, the amount added to the net premiums to cover the cost and charges of management), and, as I dare say you are aware, the loading was fixed, in consequence of information and estimates furnished at that time by the Post Office as to what the probable cost would be, at 20 per cent., in cases where the premiums were collected more often than once a year, 10 per cent. where the premiums were paid yearly, and two per cent. where the insurance was effected by means of a single premium once paid down, with an addition of 2 *s.* to the single premium required for an insurance of sums not amounting to 50 *l.*

527. Now, beginning with those three elements: first of all, Life Tables; are those the tables upon which most or many of the insurance

Chairman—continued.

offices make up their tables?—No, I believe those tables are not generally in use amongst insurance companies.

528. If we took the life tables generally in use amongst insurance offices, would it give a higher or lower table for the Post Office?—That I cannot answer. Perhaps you would kindly reserve your inquiries upon that subject until you see Mr. Finlaison.

529. Of course, any question that I put to you that you would rather that Mr. Finlaison should answer, I will reserve until he is examined?—It is only within my knowledge that by special direction of Mr. Gladstone, who took a great interest in these matters at the time, it was settled, after consultation with Mr. Scudamore, and Mr. Finlaison, and Mr. Farr, and my predecessor, Sir Alexander Spearman, that those particular tables which are generally known as Dr. Farr's tables, prepared by Dr. Farr, should be adopted.

530. Taking the third, the last element you have mentioned, which is called loading the premiums, I understand, the scheme which has been mentioned by Mr. Cardin, of treating the payment of premiums as Post Office Savings Bank deposits, would undoubtedly very much diminish the expense of carrying on both the insurance and the annuity business at the Post Office, and so far as that was effected, it would enable the business to be carried on at so much less cost; and then one of two things would occur, either from that source we might obtain a fund which would enable us to reduce the minimum, or we might reduce the charges?—Yes.

531. We do not want to make an exceptionally large profit. The object is to pay the expenses and secure the State against any risk of loss, and therefore if we could diminish the expenses of conducting the business, it is only fair that the public who insured or purchased annuities, should have the advantage of that diminution of expenses?—It would seem to follow that if the expenses are really very much reduced below what represents the present loading, the tables might be re-cast in that direction; but upon the question of the saving of expense I do not presume to offer any opinion, because it is a matter entirely for the administration of the Post Office.

532. Did you hear Mr. Cardin's evidence about the proposal to insure against fatal accidents?—I heard it partly.

533. Have you considered that subject?—No, I have not. I do not think I can give you any evidence upon it that would be of any value.

534. There is one point in the Act which has not been quite sufficiently explained. It is laid down distinctly that, in calculating the insurance, the rate of interest should be three per cent.; but nothing is said about the rate of interest with regard to annuities; is there any reason for that?—I presume that the reason why special provision was made in the case of insurance, and not in the case of annuities, was that tables had already not been framed with reference to the insurance business; as regards the annuities, the tables which were framed in consequence with this Act were merely a renewal of the tables which had already been in force ever since 1853.

535. Are

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Sir RIVERS WILSON.

[Continued.]

Chairman—continued.

535. Are there any other points on which you desire to give evidence?—You asked me just now whether I had had an opportunity of seeing the evidence that those two gentlemen from the Post Office gave at the previous sitting of the Committee, and I mentioned that I had looked at it cursorily, without being able to give it very attentive examination; but I was very much struck with the plan that was proposed for trying to utilise the savings bank machinery in order to extend and facilitate the insurance business. It was not quite clear to me what the plan was; it seemed to me that there was somewhat of a discrepancy between the proposal, as described by Mr. Turnor and as described by Mr. Cardin, and the reason why I venture to allude to that subject is this: that the National Debt Commissioners, as you are aware, are responsible for the management of the savings bank funds, and therefore any additional expense which might be incurred, and which might fall upon the savings bank fund, would be a matter which would interest the National Debt Office. I cannot pronounce any distinct opinion upon the subject, but it certainly occurred to me that the application of this plan might lead to a very considerable additional expense being thrown upon the savings bank management. If that is so, it is a matter which would require very grave and careful consideration, because, although it is a fact that the Post Office Savings Bank has made a profit in the past, it is not at all clear that, in respect of the new deposits, we should make a profit in the future.

536. We have got a good margin to draw upon at present?—You have, no doubt; but I will call your attention to this. I hope the Post Office Savings Bank system has a very long and prosperous career before it; but at the present time, with the funds over 100, and the fact that, although you pay about 2 l. 8 s. to your depositors—

537. £. 2. 6 s.?—Then that is a little better than I anticipated; your expenses are about 12 s. per cent., I believe; you see there is very little margin for any profit.

538. No doubt any expenses would have to be paid, and the thing, I quite admit, ought to be made entirely self-supporting; but I do not think that there can be any doubt (and you would concur in that opinion, I should think) that this plan of managing it through the savings bank would very much lessen the cost compared with the present system?—Probably I do not appreciate and understand the plan, but it seemed to me somewhat inconsistent as described by these two gentlemen.

539. On what point?—I understood Mr. Turnor to explain that the money which would be applied to pay the premiums for the insurances would be only the interest on the principal deposit.

540. That is not necessarily the case?—That is what I understood Mr. Turnor to say. On the other hand, I understood Mr. Cardin to explain, if I rightly understood his evidence, that the premiums would be paid from any monies which might be standing to the credit of the depositor, I would venture to say this, for what it is worth, that the first case would appear to me very simple and easy of application. Whether it

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Chairman—continued.

would be utilised or not is another question, but I should have thought that the other would have been a difficult and very complex matter. At the same time it is entirely a matter for the administration of the Post Office to say whether it is feasible or not.

541. (To Mr. Cardin.) As I understand what is contemplated, and what you have said, is, that the premium should be paid from any source; is not that so?—Yes, from the interest and from the money paid in, not specially for the purpose, from the balance.

542. You do not think that that would add very much to its complexity, do you?—We thought that would simplify it very much. It would simply be necessary to prepare a schedule of amounts to be transferred, and that same schedule would be used as frequently as might be required. It would be simply necessary to refer to the depositor's account to see that the amount required is there, and then to debit that account with the amount, and transfer it to the insurance or annuity account, as the case may be. We do not anticipate the least difficulty or trouble in carrying that out, and it will certainly be very economical in its working.

Mr. Brand.

543. There might be various sums standing in the name of a depositor, but at times the sum might not be sufficient to pay the premium?—In that case a form would be sent to the depositor, informing him of that fact, and also, that unless a sufficient sum was paid in by a given date, the policy would lapse.

544. Is not that very complicated?—It is less complicated than the existing system, where we advise the postmaster in every case of the amount to be received. It is then necessary for the postmaster to bring the amount to account when received. (Sir Rivers Wilson.) Then the question arises, how the payment of the premiums would appear entered in the depositor's pass-book; the pass-book remains in the possession of the depositor himself. (Mr. Cardin.) The amount of the premiums would not be entered until the book came up to the chief officer, in the same way that dividends on Government Stock are not entered until the pass-book comes up under the Act passed in the year before last; it is on all fours with that.

545. There would be a general authority given to the Post Office to charge the account?—Yes; and that one authority would be sufficient. There would be no further trouble to the depositor at all or to the department. (Sir Rivers Wilson.) I express my opinion with diffidence. I do not understand the machinery by which the thing would be worked, but only venture to put in a word on behalf of the savings banks, to the effect that we should feel it necessary to protest against the insurance fund being relieved at the expense of the savings banks.

Chairman.

546. (To Mr. Cardin.) Is it not intended by all who have looked at this scheme that the annuity and insurance business should continue to be entirely self-supporting?—It is, and the Post Office

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Sir RIVERS WILSON.

[Continued.]

Chairman—continued.

Office savings banks would not be charged with the work done for the other departments.

547. Taking the case of a very similar thing, and the way in which the interest in Government Stock is treated; does not that show that the thing would work with the greatest simplicity and ease?—With the greatest simplicity and ease; there would be no difficulty. (*Sir Rivers Wilson.*) I observe that those regulations, to which I called attention just now, do actually contemplate in certain cases using the agency of the savings banks for the payment of the premiums of the insurers in the case of single payments, and the proposal which is now made by the Post Office is merely an extension of that principle.

548. Is there any other point on which you desire to say anything?—A good deal has been said, I think, as to the question of lowering the limit to 5 *l.*, and raising the limit to some point beyond 100 *l.*, and I would recall to the Committee the fact that the limits of 5 *l.* and 200 *l.* were the limits which were actually proposed by the Government in 1864, and which, I believe, were even incorporated in the measure as presented to the House of Commons, but the limits were altered in the progress of the Bill through the House of Commons.

549. The question with regard to insurance and annuities has not been raised, I think in Parliament, since the time to which you refer, that is, in 1864?—I am not aware; but at that time I understand the 5 *l.* minimum was opposed by certain industrial insurance societies, who insure for small benefits for funeral expenses, and so forth; and the maximum of 200 *l.* was opposed, no doubt, by the larger insurance offices.

550. Is there any other point to which you wish to refer?—I do not think there is anything.

Mr. Duff.

551. I understand you to say, that certain regulations were framed, excluding certain classes from the ordinary operations of the scheme, such as miners, sailors, and so on?—The regulations which were made in 1865 provided that those persons who wished to insure, who followed those particular occupations, were to have the premiums fixed for their insurance by tables to be specially framed, and those tables have been specially framed.

552. Were those tables framed by the National Debt Commissioners or by the Post Office?—Under the authority of the National Debt Commissioners. All the tables have been framed under their authority, as you will see by reference to the Act.

553. Would you have any objection to putting those special rates in evidence?—Not at all.

554. With regard to the profit that has been made by the Government insurance, do you think that that profit might be advantageously used for reducing the rate; we had it in evidence from Mr. Cardin, at Question 252, that, taking 84 offices which he had selected, "the average premiums chargeable upon the assurance of a person aged 30 next birthday, is 2 *l.* 3 *s.* 5 *d.*; 31, per 100 *l.*, and for the Govern-

Mr. Duff—continued.

ment assurance it was 2 *l.* 6 *s.* 7 *d.*" Do you think that profit which the Government made could be used advantageously to the public by reducing the premium to the same rate as that of the 84 offices to which Mr. Cardin referred?—If it is considered that too considerable a surplus accrues, and is likely to accrue in the future upon these transactions, I think it is a perfectly open question as to whether the rates should not be re-considered.

555. You think that might be done?—I think it is a question for consideration. I must just mention this, that in dealing with these purely actuarial questions, one is obliged to be rather careful how one states an opinion.

556. But you think that would be fair?—I think that is certainly a very fair view to take, and a fair matter of discussion.

Mr. Brand.

557. With reference to the profits made by this department, the life assurance has been so very short a time in existence that you cannot really tell, can you?—We have only had three valuations made.

558. In fact, in a period of 18 years, it is very difficult to form a judgment?—Very much so, indeed; and in answering the honourable gentleman, I guarded myself. I did not know how far my answer might imply things and carry consequences which might not be justified.

559. Do you believe there would be any danger to the revenue if the Post Office were to lower the minimum to meet the supposed demands of the working classes for insurance, without raising their maximum at all?—Again, that is a question as to whether considerable expense is likely to attend a diminution to that low limit. It all depends upon the question of the collection of the premiums.

560. Then there was another matter which struck me, and which I thought I might ask your opinion upon; that is, with reference to the competition; if the Government reduced their minimum so as to engage in this kind of insurance, and thus enter into competition with the industrial societies, might it not be urged that the security of the existing policy-holders, that is, the working class, who insure for small sums in those industrial societies, might be affected by the sharp competition entered into by the Government with them?—It might have that effect certainly, but if they left those societies, the societies would be rid of any liability in regard to them.

561. They would lose their premiums?—I have very little doubt myself that the reduction to 5 *l.* would attract very considerable business. These limits of 20 *l.* and 100 *l.* are not very sensible limits, I think. On the one hand, the limit of 20 *l.* is not availed of by the very poor classes. What a man wants who insures his life for a very small amount is to be able to bury himself or members of his family; 20 *l.* is too much for that.

562. That is the object for which they mostly insure in those industrial societies, to provide for funeral expenses?—Yes; and on the other hand, at the other end of the scale, the 100 *l.* is a sum which does not represent the desire of a great number of the better class of artisans who are the persons who go for a thing of that sort. As a

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Sir RIVERS WILSON.

[Continued.]

Mr. Brand—continued.

matter of fact, we have seen how the thing has worked, and it has not been taken advantage of very much.

563. In fact, in whichever direction you extend, you have to face that question of competition?—No doubt, and it was the consequence of that competition that caused that vital alteration to be made in the Bill when it was passing through the House of Commons in 1864.

Mr. Harcourt.

564. I think I may take it for granted from what you have said that you consider the profit is in a more satisfactory state than the question of the extension of the business of the Post Office, at present, as regards these insurances?—Financially, distinctly, it has not been a failure.

565. And, in your opinion, I suppose, it would be carrying out its province, or what has been set out as regards the hopes of the public as to its advantages, if it extended its benefits very much downwards?—I have very little doubt about that.

566. Then, I think, you told us the greater facilities given, the greater the probability of having worse lives to insure?—That would be what my own judgment would lead me to believe.

567. Then, I think, you gave us, as a reason for that, the trouble and inconvenience at present experienced by insurers in effecting their insurances?—Trouble, inconvenience, and also very much the inquisitorial nature of the inquiries to which each person has to be subjected.

568. There was one question put to you by the Chairman to which I did not distinctly understand your answer. I think the Chairman suggested that one reason for the small amount of insurance was that the small amounts would not be worth their going to the Post Office for, or going through all that trouble for. I do not know whether you agreed to that or not. I do not know whether my inference was fair, but my inference was that if there were less trouble we should then get the delicate people who now fear all that trouble, or, at all events, who avoid it more than the sturdy people who now insure in the office?—Certainly.

569. I think the Chairman rather put it upon the ground that, if we had smaller amounts, people would not think it worth while to go through all this trouble in order to insure for those small amounts; is that your opinion?—I think not; I do not see why that should be so.

570. Do you think that a reduction of the minimum, or a reduction of the charges, would be of greater advantage to the public?—I do

Mr. Harcourt—continued.

not think the question of the charges very much affects the question of insurance.

571. Then do you not think that it would be a very great thing if we could arrange that there should be one small payment made by which he should at death receive certainly, without any fear of loss, a *quid pro quo* in the shape of a sum of money?—He is able to do that under the present tables.

572. I suppose the insurance and the Post Office Savings Bank were combined together, and they sent to tell him that he had no assets in the Post Office Savings Bank, that then he would lose the benefit of the insurance?—I presume that would be part of the scheme.

573. My question is this, do you not think that if it were possible to arrange that for one payment, without any future payment, he should be able to receive a certain sum at death, it would be a great advantage?—Undoubtedly; and he can do that under the present tables.

Chairman.

574. Is it not a fact that he cannot do it for less than 20 l.?—That is so.

Mr. Harcourt.

575. Would there be any difficulty in doing it for a smaller sum than that?—No difficulty occurs to me.

Mr. John Hollond.

576. As to one point raised by Mr. Brand with reference to competition, it does not follow necessarily, does it, that because you point out a new source for saving, you compete with other societies; I mean that there is plenty of saving still to be done in the country?—It would not necessarily withdraw people from other societies, I think. It is like the development of a new business; new people come in.

577. I believe it has been the case, has it not, that the further opening out of the savings banks system, by taking deposits of one penny by means of a stamp, has not diminished the receipts of the other savings banks at all?—Not at all.

578. It has simply tapped another source of saving, has it not?—That is so; and I may say that although the working of the Post Office Savings Bank in rivalry with the trustees of the old savings banks, as they are called, is telling gradually upon the latter, the effect is much less than one would imagine.

Chairman.

579. Any facilities for promoting thrift encourage the habit of thrift, and existing societies share in the advantage arising from that fact?—Undoubtedly; it brings out more money.

Mr. ALEXANDER JOHN FINLAISON, called in; and Examined.

Chairman.

580. WILL you state to the Committee the position which you occupy?—I am the Actuary of the National Debt Commissioners.

581. And the National Debt Office prepares

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Chairman—continued.

the tables under which the Post Office does its business, does it not?—They are virtually the tables and contracts of the National Debt Commissioners. The Post Office acts as an agent of the

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Mr. FINLAISON.

[Continued.]

Chairman—continued.

the National Debt Commissioners. The tables have been prepared under the authority of the National Debt Commissioners.

582. But as to the Post Office regulations, have you anything to do with those?—The regulations are framed under a clause of the Act of 27 & 28 Vict. c. 43.

583. Would you kindly read it?—The 16th section of 27 & 28 Vict. c. 43, provides as follows:—“The Postmaster General, with the consent of the Commissioners of Her Majesty’s Treasury, may make all regulations for carrying out the provisions of this Act in so far as his department is concerned, and the Commissioners for the Reduction of the National Debt, with the consent of the said Commissioners of Her Majesty’s Treasury, may make regulations for carrying out the provisions of this Act, so far as the trustees of savings banks are concerned, and also for the execution of contracts on behalf of the said Commissioners by any officer or officers appointed by the said Commissioners for that purpose, or appointed by the Postmaster General with the consent of the said Commissioners.” As a matter of fact, the whole of the contracts are so entered into.

584. Then how would you explain to the Committee the difference between the contract and the regulations; the regulations are the rules under which the contracts are made, I suppose?—The regulations are to all intents and purposes a portion of the Act. That clause goes on to say, that the regulations shall be binding to the same extent, “as if such regulations formed part of this Act.”

585. But under that Act the particular regulations may be altered from time to time by the Treasury and the Post Office; what I mean, is this: the particular regulations are not defined by that Act; it is only said, that the Post Office and the Treasury may make what regulations they like?—And they have done so from time to time; the regulations have been added to, and as they are added to, they form a portion of that Act and have the same effect.

586. Could we not alter them again; there is nothing, for instance, in the Act to say that we must have a medical certificate for small amounts, is there?—No. Additional regulations could be made that would not be repugnant to the Act. A further regulation could be made to abolish that requirement, because there is no particular reference to medical examination in the Act itself.

587. You have heard the evidence about reducing the minimum of insurance, and also of annuities; do you think that if that was done it would be necessary, materially, to alter the tables?—I think with certain precautions, the minimum amount for insurance could be reduced without making any material alteration in the charges.

588. What is the nature of those precautions?—They are principally in substitution of the medical examination. I propose that there should be no medical examination for small amounts. During the first year a proportion of the premium that had been actually paid by the person who proposed to insure his life might be returned

Chairman—continued.

to him. After the expiration of a year, a proportion of the sum insured might be paid, and it should take two years before the person should be fully insured under his contract.

589. Then Mr. Cardin suggested that different sets of tables should be prepared; he suggested that a person might insure with a medical certificate, and be in a position to receive full benefits at once, or insure without a medical certificate with some such safeguards as those which you suggest; what do you say with reference to that?—I would restrict the insurance without a medical examination to the insurance of small sums, and I would simplify the tables and the whole of the business as much as possible. I would reduce the number of tables now published rather than add to them. I would have one table only for the insurance of small sums.

590. To what limit would you propose to carry the exemption of medical certificates, to 50 l.?—Certainly not higher than 50 l., but it could possibly be extended as far as 50 l. I take it that there would be a small amount of business, except for the small amounts.

591. Would you rather have the limit less than 50 l. for exemption from medical certificates?—I do not think that there would be any risk of grave loss by extending it as high as 50 l., but I would not in any event extend it above 50 l.

592. I suppose after what you have just said, we may assume that by small amounts, you mean policies of 50 l. and less, and for those you would only have one table; what would be the nature of that table?—I would assimilate it as far as possible to the table which is now called table number seven. That is a table to which there has been made an addition to the net premium of 20 per cent. for expenses, and in which the rate of payment is somewhat larger, because the premium ceases at the age of 60 years. The number of premiums payable are limited, and therefore are somewhat larger in amount. I would restrict all the small insurances to that one table.

593. You say that the premium should cease at 60 years of age?—I think that would be a safeguard, because those premiums would be a little larger in amount; it would guard to a certain extent, against the deterioration in the class of life assured, which would certainly be experienced I think.

594. Then if the expense owing to the plan now proposed of managing it through the Post Office savings bank was diminished, you could somewhat reduce the 20 per cent. which you now say is added for expenses, could you not?—If it was found that the expense of management would be reduced, certainly that loading could be reduced.

595. Would you not allow a person to insure, for instance, by an immediate payment; that is a very simple way of insuring?—If that immediate payment was not below the minimum sum allowed.

596. For instance, would you not allow a man to insure for 20 l. by an immediate payment?—That can now be done.

597. I dare say that I do not understand your proposal aright; but, as I understood, you suggested

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Mr. FINLAISON.

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Chairman—continued.

gested that for small policies under 50 *l.* there should be only one table, that table being table seven, which now arranges for all the premiums to cease at 60 years of age. But then for these small policies, under 50 *l.*, would not you allow the present practice to continue in operation, that is, that persons could pay for them by one payment?—I do not think that there would be any objection to allowing such an insurance to be made; but I do not contemplate that it would be in the power of any person in the class of life in question to advance a single premium of sufficient amount to insure as much as 20 *l.* The single premium for that sum would probably be as much as 7 *l.*, 8 *l.*, or 9 *l.*, and they have not that amount of capital in hand.

598. But you might conceive the case of a person being left a small legacy or being given a small present, some one might for instance say, "I will give you a couple of pounds to insure you 10 *l.*;" unless there is some practical advantage to result from it, would it be desirable to curtail the advantages now offered, because at the present time you can insure, by making a payment down for 20 *l.*, whereas under your proposal, having only one table, you would not be able to do that in future?—I think the advantages of the simplicity of only having one table would be greater than the disadvantages which would accrue from the alteration. I think that the number of cases of persons having a legacy left them would be very small. Besides, if a person were in the possession of a certain amount of capital, either from having a legacy left him or from any other cause, he could put that in the savings bank and his desire would be accomplished, because he would already have an amount of capital which would be as good as a small insurance to him.

599. That would not necessarily follow. For instance, a man might have 5 *l.* left him, and want to buy a policy of insurance; he could buy a policy for his widow for 20 *l.*, we will say, at a certain age. If he dies, his widow gets 20 *l.*, whereas if he puts the 5 *l.* into the savings bank and then he dies, she only gets the 5 *l.*?—But I contemplated that the present table would remain in force, and that admits of an insurance of 20 *l.*; and I take it that the cases of a smaller amount would be very few.

600. What you propose is that the present table should continue for all policies above 20 *l.* now to be effected, and that you should have one table only for policies under 20 *l.*?—Quite so.

601. With regard to the annuities, as the figures given by Sir Rivers Wilson show, there was a slight loss on the amount of annuity business and a very large profit, amounting to something like 60 per cent., on the insurance business. Does that arise from some technical reason, or does it show that the annuity tables are calculated too low and the insurance tables too high?—Those figures have only recently been brought together. On the occasion of the previous quinquennial valuation a profit was shown on both accounts. Up to the 31st December 1880 there is a relatively small excess of liability on the deferred life annuity account. I think that can be to a great extent ascribed to the ex-

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Chairman—continued.

treme liability of the National Debt Commissioners being calculated in every case. For instance, that liability is calculated as if every deferred life annuity that is in force would actually mature and come into course of payment, whereas the experience up to the present time has been that a very large proportion of the people who insure for deferred life annuities under the returnable class get their money back again before the annuity comes into course of payment. A very large proportion of the contracts entered into under that system never mature. An application is made according to the terms of the contract for a return of the premiums paid without interest, and such interest is retained by the Commissioners, and remains as a net profit. The valuation represents the extreme liability of the National Debt Commissioners. Then there is another point; a liability put down in the valuation for every person who has purchased an annuity by one payment. When a man goes to the National Debt Office or to one of the Post Offices to purchase an annuity by a single payment of money not returnable, he puts down his money and goes away, and is never heard of, perhaps, for 30 years, when the annuity would come into course of payment. It is certain that in some cases such people have died after some years have elapsed; but there is nothing for their representatives to receive by going to the National Debt Office. Their deaths are never proved; there is no necessity that they should be proved, and the liability remains on the account until the annuity matures and it is found that there is no claim for it. In every case it has been thought right that in the valuation the extreme liability should be placed in the account. The excess of liability is not very great.

602. Only 3,000 *l.*, I believe?—Only 3,000 *l.* on 96,000 *l.* I may say that the deferred life annuity fund includes not only the annuities on which there is the maximum restriction, but also the deferred annuities granted under the Act of 10 Geo. 4, under which there is no restriction as to the maximum amount, and some of those to the extent of 200 *l.* or 250 *l.* a year on the deferred annuity account.

603. Only one-tenth of them in the case of deferred annuities really come into payment, but in nine cases out of ten the money is returned; the amount you ought to allow for that could be calculated, could it not; could you not make up another valuation, taking into account the two elements to which you have just referred?—It would be possible to do so; but it would entail a certain amount of responsibility. The return of premiums are entirely optional on the part of the people so insured. There would be no right to assume that those who now have contracts running would exercise their option to the same extreme extent that has been done hitherto.

604. But still, without attempting to define the exact amount, you may say that your figures would show really that there has been a profit on the annuities as well as on the insurance?—Yes; the excess of liability may be termed more apparent than real, but I have no right to remove any

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Mr. FINLAISON.

[Continued.]

Chairman—continued.

liability which might accrue to the Commissioners from the account.

605. Have you any opinion about the question of raising the maximum, both with regard to the insurance and the annuities?—From the point of view of the National Debt Commissioners there would be no objection to going to the limit allowed by the Friendly Societies and Savings Banks Acts of 200*l.* capital.

606. There is no limit for annuities under the Friendly Societies Act, is there?—An annuity of 50*l.* is the limit.

607. That is under our Act, but not under the Friendly Societies Act, as I understand?—By the Friendly Societies Act of 1875, the gross sum by way of assurance cannot exceed 200*l.* A reference to the Friendly Societies Act of 1875 will settle the point; but there is a limit to the amount of annuity. I have not the Friendly Societies Act by me at the moment. It is either 30*l.* or 50*l.*; I am confident as to that; but I am not sure whether the limit was raised by that Act from 30*l.* to 50*l.* It certainly is not above 50*l.* The Friendly Societies Act of 1875 is a consolidating Act.

608. Is there any other point upon which you would like to give evidence?—No; I was not summoned, and did not contemplate attending the Committee. I have prepared no evidence; but I am prepared to answer any question put to me. I accompanied Sir Rivers Wilson, and did not come for the purpose of giving evidence.

Mr. Holland.

609. I want to ask one question, namely, whether the immediate annuities are calculated among the deferred annuities in the account we have had of the liabilities and assets?—No.

610. Then we have not had an account for them?—No. The system by which immediate annuities are granted is entirely a different matter. The immediate annuities are part of the machinery for paying off the National Debt. What takes place, if I may shortly explain it, is this: All money received on account of an immediate annuity is immediately invested by the National Debt Commissioners in 3 per cent. Stock of perpetual annuities, and that Stock is immediately cancelled. Say, for instance, 1,000*l.* is paid for the purchase of an immediate annuity, and that is laid out in Consols, say at par, the Stock is cancelled immediately, consequently a present and prospective charge of 30*l.* in perpetuity is saved from the expenditure on account of the National Debt, but there is set up a larger charge, say, of 50*l.* a year, on account of the immediate annuity, but which is terminable; and, therefore, by the time that annuity ceases the 1,000*l.* of the National Debt has been redeemed through this machinery. The system is applied to all immediate annuities. Immediate annuities at the present moment are payable to the extent of 988,000*l.* a year; nearly a million a year is therefore paid in immediate life annuities.

611. A very small part of that, I suppose, comes through the Post Office?—A small portion only of that. I think the amount of annuity

Mr. Holland—continued.

payable through the Post Office is, in the whole, about 120,000*l.* a year.

612. Have you any views as to lowering the age at which children may be insured?—A limit of 10 years of age has been drawn by the Friendly Societies Act, and special regulations are made for the payment of assurances under this age; but as far as I know there would be no grave increase of risk of mortality in insuring the lives of children above the age of three or five years.

Mr. Goschen.

613. What is the object of insuring their lives?—Solely, I believe, to provide a decent funeral. I believe that is the only object of all the smaller life insurance among the working or labouring classes in the rural districts, and the artizan class in towns. It is solely for the provision of a funeral suitable to their condition of life.

Mr. Holland.

614. That would require a different table, would it not?—It would require a different table to suit the means of these classes. I think the minimum limit entirely depends upon the minimum amount of premium which could be collected through the machinery of the Post Office without imposing an undue proportionate expense for its collection. For instance, the present premiums are supposed to be sufficient to meet the risk, and they are loaded to the extent of 20 per cent.; that is to say, of the minimum premium of 2*s.* which is receivable from the working classes 4*d.* is paid by them for the expenses of collection book-keeping, and issuing the policy, and 20*d.* is paid for the sum insured. If the Post Office collect sixpences at the expense of 1*d.*, that is to say, if they could hand over 5*d.* to the National Debt Commissioners to meet the risk, that is at the present proportion of 20 per cent., there would be no reason why the present table should not be adhered to. It is solely a question of the cost which it would take to collect these small premiums.

615. Would not the premium upon the life of a child be naturally higher than on the life of an adult?—No, except the child were below three years of age. From the age of three years onwards, although the risk is a little greater at the two younger ages, from 5 to 15 the mortality is very low; it is stationary for all practical purposes. The mortality table shows a small gradual reduction, say to the age of about 12 years, but from five years to about that age the mortality is practically fixed and stationary, and is very small.

616. Do you know how low the friendly societies go in point of age; do they insure children under three years of age?—There are certain restrictions in the Friendly Societies Act of 1875. If any friendly society now established for the first time proposes to insure children under 16 they have to submit to additional regulations. In fact, precautions are taken, and different returns are required.

617. With the older friendly societies it is different, is it not?—I believe that portion of the Act was not made to apply to any friendly society then

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Mr. FINLAISON.

[Continued.]

Mr. *Holland*—continued.

then in existence ; it was only for rules to be registered after that date; but a gentleman at the office of the Chief Registrar of Friendly Societies could give better evidence upon the point than I can.

Mr. *Harcourt*.

618. I just want to ask you what the present payment (we will say at the age of 30) in one sum would be to secure 5*l.* at death?—At the age of 30 the amount according to the table is 43*l.* for 100*l.* For 5*l.* it would be a 20th part of that; 2*l.* 3*s.*

619. Would there be any inconvenience in receiving such a small payment as that through the savings bank?—I think if the limit were not reduced below 5*l.*, there would perhaps be no grave objection; but the objection to receiving very small sums for an insurance by a single premium would be, that if a man insures, say at the age of 20, at a single premium, he disappears as it were; his name is John Jones or Thomas Williams, or some ordinary name; afterwards, a man presents himself at 60, and claims the insurance money; a certain amount of expense must be incurred to identify the man, and of course if the payment made is very small, the expense necessary to identify the man when he came forward would be great in proportion to the amount.

620. Of course I am only asking the question, not in the interest of the office who insures, that is, the Post Office, but in the interest of the person insured; I think you told us that these insurances were chiefly effected for burial, and of course 20*l.* would be very much in excess of the amount required for any sort of burial that a person in a village would require?—Yes. The reason against reducing the minimum for this class of assurance is to guard against the risk of personation. It is preferable that the premium should be collected periodically, in order to keep up the identity. If the man has been paying his premiums periodically, although of a small amount, over a series of years, you are able to keep up the identity, and the claim is made shortly after the last premium is paid; whereas if a man with a common name, as I suggested just now, moves about from town to town, it would be very difficult after 20 years, during which time the man has been lost sight of, to identify him.

621. But surely one of the advantages of being connected with the Post Office Savings Bank is, that if he moves from place to place, his account, or whatever it is, is moved to the place he goes to; is not that so?—Certainly, but as I understood the question, you asked as to the inconvenience.

622. With respect to the cost?—I say the objection for insuring a very small sum is that the necessary cost of the identification of the man would be great as compared with the amount of premium he would pay; it would be necessary therefore to make an additional charge to him if the business is to be conducted without loss.

623. It would be possible so to arrange the charge as to cover any loss likely to fall upon the Post Office, would it not?—I would not pledge myself entirely to that; I do not know what the proportionate expense would be. It must take some years for a plan of that kind to

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Mr. *Harcourt*—continued.

come into full operation. It would be very difficult for anybody at the present time to say exactly what would be the cost of identifying a man who paid in a small sum now, either to the National Debt Commissioners direct, or to the Post Office, and then passed out of sight, say for 20 or 30 years; when a claim came, upon his death, from some different district in England to the residence at the date of contract, there would be some difficulty in identifying him at all, I think. The great advantage, I take it, of this insurance being effected by periodical sums, is that the chain of evidence is kept up, and the identity of the man is established from time to time. It is a practical objection against that form of insurance at all, perhaps, rather than a question of the degree of cost.

624. I think your objection applies to the whole of the system of insurance by one payment?—For very small sums it does, because it is much more difficult to identify a man in the working class after a lapse of years, than a person in better circumstances, who moves about more in the face of other people.

625. Still, for the advantage that it would confer upon the man himself, it would be worth doing, I suppose, if it did not involve a loss to the Post Office?—Certainly. At the same time, I do not think that that form of insurance would find very great favour with the working class. The form of insurance which would find favour with them would be paying small periodical premiums, such as they could afford, and of as small amount as it would be possible for the Post Office, through their machinery, to collect without a great proportionate expense.

626. My question only applied to the expense; of course it would be a great advantage to the working classes to be able to pay in as small a sum as possible. As I understand the matter, the only objection to that is as regards the expense the Post Office would be involved in?—It comes to a question, I think, as to what amount the working classes could pay in. I think it is a question of collecting sixpences, or even a lower amount, if any large number of transactions are to take place.

Mr. *Storer*.

627. With regard to children, has it not been considered dangerous by many of the friendly societies and insurance societies to insure their lives below a certain age, for fear of danger to the children themselves. Have you any experience of that?—I have no experience that there has actually been any danger to the children themselves, although I have heard it asserted. It has been so stated.

628. You would not recommend their being insured below the age at which they are insured by the societies, I suppose?—I do not think any evidence I have given has gone to the extent of recommending that insurance should be taken even down to the age of five; but I think I went to the extent of saying that I do not apprehend that there would be any grave loss from mortality if insurances were effected on the lives of children of the age of five; I did not in my answer say it would be advisable to insure the lives of young

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Mr. FINLAISON.

Continued.

Mr. Storer—continued.

young children at all; I would not wish my answer to go to that extent.

629. You do not express any opinion upon that point?—I do not express any opinion one way or the other with regard to that. I apprehend that there would be no loss from the mortality which would accrue.

Mr. Charles Ross.

630. I understood Mr. Cardin to say that as yet the largest amount of business has been done with the largest policies?—I think that is so.

631. Does that contemplate bonuses accruing to policies or is it a fixed sum?—It is a fixed sum.

632. Do you not think that that would be a means of popularizing the insurance, if by slightly increasing the premium for sums over 50 *l.* bonuses were allowed to accrue; and could not that be done without mischief to the revenue?—It might do so, but I am not at all sure that the working classes would largely avail themselves of this description of contract.

633. Supposing it to be done by annual or half-yearly premiums for sums of over 50 *l.*, or even over 100 *l.* if the limit were extended?—A greater maximum amount of insurance you mean?

634. I mean so as to give at the death of a person the amount insured with profits accruing, like an ordinary life policy with bonuses?—There are considerable facilities now offered; any person can insure up to 100 *l.* either by the payment of a single premium, an annual premium, or by premiums which fall due at intervals throughout the year.

635. My meaning is this: that in many life assurance offices you insure for 100 *l.*, and profits accrue over and above the 100 *l.*; do you contemplate that in this case?—No, there is no addition contemplated to the amount for which the person assures; no profit is allowed.

636. Do you not think that even with a slight annual increase in the premium, it would tend to popularise the insuring if people thought they would get something more than the fixed amount, that is, that they would get the 100 *l.* plus the accumulated bonus that it would involve, and no loss to the Government at all?—It would be difficult to deal with the question of profit.

Mr. Sclater-Booth.

637. I think I understood you to advocate the policy of raising the maximum, which is now permitted to be insured, from 100 *l.* upwards?—I do not think that there is any objection at all, from the point of view of the Government, to raising the maximum up to 200 *l.*

638. Did you advocate it as a means of extending business, and so securing a more profitable business for the Post Office, or generally because you thought it would supply a need which is really felt by would-be insurers?—I think it would be not unlikely that it would attract a certain number of people who now insure neither in any insurance office nor with the Government; but I am not sure that it would attract any large amount of business. The business which has hitherto been done by the Post Office, has nearly

Mr. Sclater-Booth—continued.

all been for the maximum amount which is permitted; it has nearly all been done in policies for 100 *l.* The average amount is, I think, about 83 *l.*, but the average amount is brought down principally by policies that are also for even sums, probably about 50 *l.*, and a certain number of policies of 50 *l.* have brought down the average amount insured to about 83 *l.* Nearly all the business which has been done is in the larger sums.

639. Then you argue that there is a larger demand on behalf of the public for larger insurances than can now be effected at the Post Office?—It is difficult to say, because the total demand has been really so very small, considered as a national undertaking. There are only altogether, roughly speaking, 4,500 policies; I think the exact number was 4,400 in December 1880.

640. For certain classes of society there are ample means of insuring for 100 *l.* and upwards, are there not?—There are a considerable number of insurance offices, many of which are of very high standing, and certainly there is facility both for payment and collection of premiums, and those offices also afford reasonable security.

641. I do not think you understand my question; what I meant was this: when you advocate the Post Office doing business at the higher amounts you have not in view the advantage of the Post Office as an insurance office, but rather the supplying of a demand which is supposed to exist out of doors; is that so?—I do not think that there is any evidence of any great demand.

642. Then why do you advocate the extension; that is the very point I want to know?—I think my answer went to show that I do not think that any risk or expense would be incurred if the limit were raised. I do not go to the extent of saying that I think it would attract a large amount of business.

643. I think you advised that it should be done?—I think experience hitherto has shown that there has been no very great demand; a demand might be fostered, perhaps, rather by lowering the limit for the smaller insurance.

644. Do you know, in the practice of the great insurance offices, whether a large business is done by them for what is, in their case, the minimum sum of 100 *l.*?—I think it is a very inconsiderable portion of their business. I should say that the great proportion of their business is done in sums of 500 *l.* and upwards.

Sir John Kenneway.

645. You are very conversant with the accounts of provident societies, I suppose; can you tell me whether their chief profit is derived from life assurance or from sick pay, in the case of those that combine the two?—I think the larger amount is derived from the life assurance business.

646. Do you think it would be fair to say that the profits derived from the life assurance are what enable them to deal with their sick pay?—It should not be so, because it is proscribed under the Friendly Societies Act by which they conduct their operations, that they shall keep their accounts perfectly separate, and that separate funds shall

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[Continued.]

Sir John Kennaway—continued.

shall be formed for the conduct of each class of business.

647. And they are not allowed to set the profits of one against the loss of the other?—The intention of the Act was that they should not do so.

648. You do not think that it would be fair, therefore, for them to say, we cannot carry on our sick operations if you take from us all the life insurance?—If they had a client who insured with them for the sick benefit, and they also granted life insurances. It is not at all probable that a man would go to a friendly society to insure for the sick benefit, and then insure separately, either in any other society or with the Government for a life insurance.

649. But if the Government offered such terms that they took all the life insurance from them, they would no longer be able to offer proper rates for sick pay, would they?—I do not think they would have any valid ground for making that statement.

Chairman.

650. There are two questions I want to ask you which I omitted to put to you before; in the tables which you prepared for annuities, I think the rate of charge for women is lower than for men; but for life insurance it is higher, or *vice versa*; is not that the case?—It is the case that a distinction is made between the sexes in the case of annuities.

651. On what ground is that difference made?—Because the actual experience of the National Debt Office was that the female annuitant's life is greatly superior to that of the male annuitant.

652. Then if the woman is charged more for an annuity because she has a better life, ought she not to be charged a smaller premium for a policy of insurance?—It does not follow, I think, that it is the same class of people who insure their lives that buy annuities.

653. Have you any evidence to the contrary?—I have evidence which goes to this extent. The age at which annuities are purchased is generally above 55; the great mass of immediate life annuities are purchased at ages above 55. When a woman has attained that period of life, and either she thinks, or her friends think for her, that it would be advantageous that she should purchase a life annuity. She has probably a very select life, and is likely to live very long; whereas on the contrary, the few women who insure their lives, insure at much younger ages, and before the vicissitudes of life which they have to pass through, have been encountered.

654. But the difference which you make between men and women does not apply only to immediate, but also to deferred annuities, does it not?—Certainly.

655. Therefore, a governess, for instance, who wants to buy a deferred annuity at the age of 60, and who gradually buys it by paying 5 *l.* a year, has even from the age of 20 to pay a larger sum than a man purchasing a similar annuity?—That is so.

656. I admit that a woman of 55 is a select life. What evidence is there to show that a woman's life at 20 is a better life than a man's? If she is a better life throughout it seems to me, 0.67.

Chairman—continued.

in justice, the woman ought to be charged smaller premiums for a policy of insurance?—There has been no experience of any extent with regard to the mortality of women who have purchased deferred annuities, because the actual numbers who have ever purchased them have been so small. The tables under which they are charged have been founded upon the experience of immediate life annuitants.

657. Does not your own description show a very considerable hardship. I noticed that in some cases women are taxed to the extent of 10 per cent. You admit that the experience with regard to immediate annuities is drawn from very limited data, because you say that most of the women who buy immediate annuities are select lives. Take this case of a young woman and a young man, the young man employed as a tutor, and the young woman employed as a governess; they both want to prepare for a time of life, say 60 years of age, when they will find great difficulty in earning money as teachers, although they begin purchasing a deferred annuity at the same age at the same moment, the woman is charged throughout life 10 per cent. more; and then, so far as I can discover, that very heavy burden is imposed upon her because it has been ascertained that at 55 her life is a better life than that of the man; is not that so?—The payment which a person has to provide for in the instalments which they make for a deferred annuity is against the liability which is presumed to accrue at the greater age.

658. Then it appears to me that there can be only one reason why you charge a woman more than a man who at 25 wants to purchase a deferred annuity at 60, and that is because experience shows that the woman's life is better than that of the man. I will admit that that is the case; but then *pro tanto*, if those two same individuals want to insure their lives, surely the woman ought to have some advantage with regard to the policy of insurance. Why should not the same proportionate difference be made in calculating your insurance tables?—It is stated by the actuaries and managers of all insurance offices who have made a practice of insuring women, that not only are the women who insure their lives not better lives than the mass of the insurers, but that as a rule they suffer greater loss from those particular contracts. Of course insurance is made to a certain extent in the fear of death; whereas as to the annuities the contract is entered into by persons who are in hopes of living long to enjoy it; they are different classes of people.

659. Suppose a proposal was carried out to make Post Office insurance a mutual office, as so many of the private offices are, would there be any difficulty in making the same sort of quinquennial valuation as that which the insurance offices make, in order to enable the insurers to participate in profits either in the form of a bonus or in reduction of premiums. Would there be any more difficulty in making an estimate of profits there than in the business of an ordinary life assurance company?—There would be no more difficulty in making certain calculations; but I think you would have to trace the profit to its source. If it were a profit that could be traced directly

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Chairman—continued.

directly only to a low rate of mortality, perhaps there might be no difficulty; but if it were from the management expenses charged to the account not being so much as the actual loading of the tables, there would be some difficulty, I think. I also think there would be considerable difficulty with regard to the rate of interest which was supposed to be earned on the funds. As a matter of fact it is not exactly correct to say that any interest is earned by the money placed in the hands of the Government, because when the insurance premiums reach the National Debt Office stock is purchased with them, and a mere substitution takes place of one form of debt by the Government for another. Instead of owing the stockholder an annuity in perpetuity, on which interest is paid at three per cent., an engagement is made with the person who has insured his life to grant him a certain rate of interest. Therefore, properly speaking, it is hardly right to say that the Government gains by investment. The Commissioners have been enabled hitherto to purchase

Chairman—continued.

and buy up debt at a price which has enabled them to hold stock at $3\frac{1}{4}$ per cent., the price of the stock standing at 92; but as the funds have gone up to 100, stock is only held at 3 per cent.

660. The point I want to arrive at is this: if the Post Office could estimate its expenses in the same way as an insurance office estimates its expenses, could you not calculate what rate of interest you were getting, whether more or less than 3 per cent., and would you not have data upon which to make approximately an estimate of the actual results of the business, similar to the results you have presented to us to-day?—The account would show the estimated surplus or excess of liability that would arise, and the arithmetical process of making the division among the policy-holders could be gone through. Of course, that would add greatly to the expense of the valuation and the management. The calculation of bonuses in different shapes would increase the expense and trouble of management very greatly, and by that means would in itself remove one source of profit.

Tuesday, 7th March 1882.

MEMBERS PRESENT :

Mr. Brand.
Mr. Duff.
Mr. Fawcett.
Lord Edmond Fitzmaurice.
Mr. Goschen.
Mr. Harcourt.

Mr. John Hollond.
Sir John Kennaway.
Lord Lymington.
Mr. Mitchell Henry.
Mr. Sclater-Booth.

THE RIGHT HONOURABLE HENRY FAWCETT, IN THE CHAIR.

Mr. GEORGE HOWELL, called in; and Examined.

Chairman.

661. You are prominently connected with many working men's organizations, are you not?—Yes, I have been connected with them for many years.

662. You hold an office, do you not, in the Trades' Union Council?—No, I do not at present; I did for many years. I was secretary to the Parliamentary Committee for many years.

663. You have taken a good deal of interest, have you not, in a proposal which I think emanated from Mr. Ellis Lever, that the Post Office might extend its system of insurance so as to embrace fatal accidents?—Yes, I have.

664. Can you explain, briefly, what that scheme is?—Yes, I will endeavour to do so. As you rightly observed, the proposal is not mine; but it originated with Mr. Ellis Lever, of Manchester, and Bowdon, in Cheshire; it originated, in the first instance, I think, in a proposal to establish a general relief fund, supported mainly by voluntary contributions, as the relief funds now usually are when an accident occurs, but supplemented by moneys from the working men themselves, he himself having been, for many years past, a very generous donor to accident funds, especially in the case of accidents in mines, that being a class of property with which he is connected; but in talking it over with a great number of people he seems to have come to the conclusion that it would be far better, if possible, to induce the men to take steps to insure themselves, so that it should be a method or mode of self-help; from investigations he has made, he has been led to believe that the men would not be less careful, but even more careful, by the mere fact of their having provided in some way or another against accidents when they occur; I have been with him, and talked over this matter with him on a great number of occasions, and I must say I concur with that part of his view. I think it would operate, as in the case of fire insurance, which, so far from leading people to be less careful, leads them to be even more careful; whether that arises from the fact of its being present to the mind, owing to making provision

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Chairman—continued.

from year to year against conflagration and loss by fire, or from whatever cause, I am led to the opinion, as he is, that men are more careful, instead of being less careful, in consequence of having made such provision. Those have been the thoughts, perhaps, that have led to this conclusion. In consequence of a conversation with him, I was led to undertake the collection of some statistics, in order to see how it might possibly work, and, with the Committee's permission, I will presently give a few of those statistics condensed into the smallest possible compass, so as not to trouble the Committee with columns of figures, but merely to give the results, in order to show how far we think the thing might be practicable. I presume the Committee will be of opinion that it would be desirable, if such a thing were practicable; and, therefore, I need hardly say anything with regard to the desirability of some such scheme as this being adopted as in itself a method of self-help. The question seems to me to be, first, as to whether it would be practicable, from the rates of insurance suggested, and the amounts to be paid on each policy; and, secondly, as to whether a sufficient number of insurers could be induced to join, so as to make it a permanent fund in connection with the Post Office. I do not know whether it would be right for me just to refer, in passing, to a brief extract of evidence that I saw given on the last occasion in the newspaper. It seems from that, that the number of insurers in the Post Office at present is not so great as was at first anticipated it would be, and as, perhaps, is desirable. That might be so, and it would lead persons to suppose that that would be so in this case also. I am afraid that even now, among the working classes, the idea of life insurance through the Post Office is very inadequately understood; and I think that some such step as that taken by the Right Honourable Chairman with regard to "Thrift," in connection with a pamphlet recently published, has done a very great deal to stimulate thrift in another way, and something of the kind would

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Mr. HOWELL.

[Continued.]

Chairman—continued.

would have to be done to stimulate it in the particular way now suggested.

Lord Edmond Fitzmaurice.

665. Are you alluding to the Post Office pamphlet?—Yes; I think that that in itself gave a great stimulus to thrift; that pamphlet brought the subject to the attention of a great number of persons who had scarcely ever thought of the matter before. I do not know, but judging from post offices where I have inquired as to how the pamphlet has been disposed of, it seems to have gone off in very considerable numbers. It seems to me that it would be necessary to bring the matter, in the first instance only, very prominently before the country in a variety of ways, and that the Post Office could easily do, at very little expense with the machinery it has at its disposal. I might say that the trades unions, forming a distinct and very large body of men in this country, make provision for insurance of this kind in case of disablement; that is to say, if a man is permanently disabled from work he will obtain from some societies 150*l.*, from others 100*l.*, and in some other trades 50*l.*, so as to assist him in some little matter of business for his future livelihood; but if he is killed, and the family thereby deprived of the bread-winner, they have nothing beyond the ordinary funeral money, which amounts to some 8*l.* or 10*l.*, or something of that kind; that practice being very general, in fact, universal, in all trade societies. Friendly societies have no special provision for accidents of any kind, to say nothing of fatal accidents; they have nothing beyond the ordinary benefits during sickness. Under ordinary conditions, of course if the members are killed by accident they simply obtain the funeral money, whatever it might be; but I believe the amount of the funeral money, in some of the better benefit societies, is as high as 20*l.*

666. That high limit is fixed deliberately, is it not, with the view of including a certain sum in respect of accidents?—No, I think not; it is not so in any friendly society I am acquainted with, and I am familiar with the working of such societies; I know of none that make a provision of a distinctive character with regard to accidental deaths.

667. Is it not indirectly included in that high payment of funeral money?—Indirectly it may be, but I do not think that view was present to their minds in framing the rates of contribution; I think it is quite exceptionable. The Hearts of Oak is one society in which they give as high a sum as 18*l.* or 20*l.* I am not sure as to the exact amount, but it is very unusual to go so high as that. Before I go to the question of figures, I might say, that in talking over this matter we have thought that it would not be necessary to have any very elaborate form of policy; we think that the simplest possible form of policy would be enough in a case of this kind, because it would terminate at the end of each year, just as a fire insurance policy terminates at the end of each year. Each receipt would be in itself a policy for the current year, containing either on its face or on its back the actual condi-

Lord Edmond Fitzmaurice—continued.

tions and provisions with regard to that particular instrument. I do not know whether the Committee would permit me just to say that, in thinking it out, it has presented itself to my mind in this way: the counterfoil of the policy would be held by the postal authorities, as a matter of course, and that would be a sufficient check for identification; that being, as it seems to me, all that would be necessary in a case of fatal accident for the identification of the person killed, and then, of course, the next point would be as to the proper legal persons to whom to pay over the money. Those persons would, of course, have to be ascertained in all cases, and they would have to be ascertained in this; then the books containing the stamps of the unused policies would, I presume, be returned to the central postal authorities at the end of each year. Mr. Lever suggests that there should be a day, or a period of the year, when all these policies should commence and terminate, the same as in licenses and in some other things. Whether that would be necessary or desirable may be an open question; it seems to me it might be done quarterly, so as to terminate at the end of each quarter of the year in the same way that it would terminate yearly. I think it would save the time of the postal authorities to some extent if that were done, because I think nothing of the kind could be done unless it were made extremely simple.

Chairman.

668. Have you considered what would be the definition of a fatal accident. Suppose I take this case: assume that 50 men are injured, that 20 are killed at once, and the remaining 30 receive such injuries that, although they are not killed at once, they die subsequently, and their death is directly traceable to the injuries they have received; would you propose to limit the payment of the amount of the policy, so that it should be receivable only in the event of death occurring within a certain specified time after the accident?—Yes, certainly.

669. Have you thought of the time to which you would limit the liability to pay?—I have, and I have discussed it with several. There seems to be a division of opinion as to whether it should be a very short period or a longer one. I think if the death were directly traceable, as it could be, I think, it would be perhaps desirable to fix the time from three to four, or even six months, so as to come within the period covered by the actual current policy.

670. Now will you proceed with your statement?—Going to the matter of figures (and I am hastening on, because the Committee will afterwards be able to ask me any questions they wish), I find the latest returns that are given show the extent of what has been termed accidental deaths in England and Wales. Taking a series of years from 1856 down to the date of the latest returns, the figures give an average of 10,649 annually. That fact, if taken by itself, would be enough to frighten the Committee and anyone else from attempting any such mode of insurance as that suggested.

671. Does

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Mr. HOWELL.

[Continued.]

Chairman—continued.

671. Does the 10,000 include simply the number of people who were killed on the spot, or does it also include the number who die after the accident has happened, and whose relatives would receive the payment of the policy if your suggestion were carried out, viz., of extending the period to three, four, or six months after the accident?—It includes not only those, but I think it also includes a great number that would not by any possibility come within the scope and meaning of a scheme like this, and that is why I call attention to it. I think the average of 10,649 would include all who came to violent deaths, from the youngest to the oldest; I think, therefore, it would not be safe to take that figure as a basis of calculation in this respect. For instance, it would be desirable in a matter of this kind to limit the age at which a person should be able to insure. I think children should not be allowed to insure under what you may call their working age under the Education Acts (i.e., 14 years of age), or something of that kind. I think, therefore, in calling attention to these Registrar's Returns, the 10,649 may be dismissed from our minds so far that they could not be taken as a basis of calculation. What I have taken as a basis of calculation relates rather to two very distinct bodies of men, those employed in and about mines, and those employed on and about railways. I have taken those two classes, because, rightly or wrongly (and I believe rightly), it is considered that those are the two most risky occupations, and that the greatest number of lives are lost in connection with those two systems of working. I find, taking the period of years from 1851-60 to 1871-80, right up to the end of the last returns in each case, that in the first 10 years the average was 1,002; in the second 10 years, 1861-70, it was 1,062; in the third period, 1871-80 inclusive, it was 1,135. This, as you will observe, shows an apparent increase, but the increase is simply apparent, because the number of men employed is much larger now than it was originally. I therefore put it in this way, that the number of deaths per 1,000 of men employed was as follows: in 1851-60, 1 in 245; from 1861-70 inclusive, 1 in 300; and from 1871-80 inclusive, 1 in 425. You will thus see that there is a very sensible diminution of the numbers; but I have also put it in another way, which will make it even more apparent. The number of deaths per 1,000 men was as follows: from 1851-60, 4.072; 1861-70, 3.326; in 1871-80, 2.353. That shows a diminution of very nearly one-third in each decade. The per-centage, I might also say, appears to be diminishing almost year by year under the better restrictions imposed by Parliament with regard to the working of mines. These then being the actual numbers given over long periods and the per-centages during those periods, what one would desire to call special attention to is this: the disasters which call forth general sympathy, and to which the responses of the charitably disposed are given most readily, are those that occur from explosions where, as a rule, a number of persons are sacrificed at one and the same time; but sad and disastrous as those calamities

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ities are (and sometimes they are very sad indeed, as we have had occasion very recently to know), they are by no means so sad as the accidents that do not call forth this general sympathy. I have, therefore, taken out one or two figures here which show that out of a total of 10,018 deaths from 1851 to 1860, 2,441 only were caused by explosions.

672. Is that the annual average?—No.

673. You said just now there were 10,000 killed each year, did you not?—That referred to accidents of all kinds, violent deaths of all kinds.

674. You mean 10,000 were killed in coal mines in 10 years?—Yes; mining is so very risky an occupation that 2,441 deaths in the period named were caused by explosions. During 1861-70, out of 10,626 deaths, 2,267 were caused by explosions; 1871-80, out of 11,349 deaths, 2,686 were caused by explosions. The average, taking the whole of the causes of death, would appear to be about as follows: a little over 22 per cent. from explosions, about 40 per cent. from falls of roof, and nearly 38 per cent. from shaft accidents and miscellaneous accidents above and below ground. While funds flow in very rapidly and very generously for the support of those deprived of their bread-winners, whenever an explosion takes place those killed by accidents of the other kinds referred to scarcely ever receive much notice, except perhaps in the locality in which the accident itself occurs, and there, I have no doubt, funds are somewhat liberally supplied. So that, taking those figures, about 78 per cent., or say, speaking generally, about 75 per cent., of the deaths do not evoke any very general expression of sympathy, and do not, as a rule, bring about any corresponding support in the shape of funds for those deprived of their bread-winners. I do not know that I need call further attention to that one special phase of the subject. I have been somewhat precise with regard to the figures, because in that way our attention is called more directly to accidental deaths. The deaths on and about railways I do not think can be ascertained quite so accurately, because I think the Board of Trade Returns do not (at least they did not until very recently) give us the actual total number of deaths from all causes on and about railways, leaving, of course, suicides out of the question. They are classified under different heads, and I do not think we always accurately get at them. However, be that as it may, the death-rate shown by the returns that have been given with regard to accidents on and about railways, especially in connection with the employes on those railways, appears to be very much larger than it is if we take the results of the benefit societies in connection with those railways. Some figures that have been elaborately got up by Mr. Neison (he being the auditor who has professionally gone over all their accounts), seem to show over a period of 17 years, that the death-rate is 34 in 10,000 (a little over, as you perceive, the actual number in mines), and in another period of nine years on another railway system there were 35 per 10,000; and in another case over a period of 12 years, 25 per 10,000. This gives an average of 31 per 10,000 over a period of 12 years and 8 months, those railways having a large traffic in goods and passengers, and where the passenger traffic preponderated

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Chairman—continued.

ponderated, the per-centage of accidental deaths was smaller, but whether those figures actually show the exact number of those who met their deaths in connection with those railways, or include others who have not met their deaths by accident, is not quite clear from the returns. It seems to me the average would be a little high in this instance, and that therefore the average might be brought down to something near the same number as that with regard to mines. I hope I have not been wearisome with regard to these figures; but I have been a little precise about them, because figures must form the basis of the computation with regard to the actual amount to be paid for insurance. Mr. Lever's proposal is that a half-crown would be sufficient to insure 100 l. In support of that proposal I might say that Dr. Farr prepared some statistics for Mr. Lever that were delivered to him on the 11th July 1880, and it seems that those figures would bear out the conclusion of Mr. Lever that half-a-crown per 100 l. would be sufficient. These deductions are based upon figures from 1851 to 1870, and, as I have shown (and I think it will be readily seen by further examination), there is not an increase in the number of deaths per thousand, but a great decrease, and that too in the trades which are the most hazardous trades in the country.

675. So far I understand Mr. Lever's proposal, the half-crown would be sufficient if the proportionate number of workmen in the less dangerous trades insured as compared with the number who insured in the dangerous trades, because the figures you have given would show that the half-crown would not be sufficient if no one insured, for instance, but colliers?—It would not.

Mr. Duff.

676. When you talk of the half-crown, do you specify any particular age, or do you treat that sum as applicable to any age?—I was going to refer to that point. I have taken the ages. Dr. Farr suggests that the best ages to take would be from 45 to 50, and taking the mean between those years, the amount would be 2 s. 6½ d. according to his figures; but then those figures are based upon the figures supplied by the Registrar of Deaths, through fatal accidents from 1851 to 1870, and consequently there being a decrease in the number per 10,000 persons that would show that if it could be done at 2 s. 6½ d. based upon those figures, it could be done for somewhat less; but one of the columns supplied to him by Dr. Farr, taking the ages from 20 to 40 each separate year, shows that the amount for the very highest, namely 40, is 2 s. 4½ d. It is quite true that it would not be sufficient provided that none would insure but those who were working in the more hazardous and risky occupations, such as mines and railways.

677. There is one other point I should like to get perfectly clear as we go along. I understand the 10,000 people annually killed by accident include not only those who are killed instantaneously, but those who succumb to the accident after a longer interval than that to which you propose the policies should extend. With regard

Mr. Duff—continued.

to the 10,600 who were killed in 10 years in coal mines, is there anything in the statistics to show what period elapsed after the accident happened before death ensued?—I think, as a rule, though not instantaneous, the death of those only are included that take place within a very reasonable time afterwards, because the facts are supplied by the Mines' Inspectors themselves, and I fancy they take as a basis the coroners' inquests.

678. In arriving at the amount at which it would be remunerative to undertake this kind of insurance you introduce at once a very important element, because, as I understand, you propose that the man's representatives should receive the amount of his policy if he died three months or four months, or even six months, after the accident happened. The coroner's inquest very frequently takes place within a week or a fortnight after, and therefore to the numbers which you have given you would have to add all those who succumbed to the accident between the period of the coroner's inquest and the end of the six months during which you propose the policy should run?—That is true.

679. I suppose there would be no means of supplying that correction, would there?—I am afraid there would not be any means of supplying it accurately, but, judging from what I have read and come in contact with in connection with the subject, it seems that the deaths, as a rule, take place somewhat quickly after the accident in the case of both those risky occupations to which I have specially referred. I judge of that by some figures supplied also by Mr. Neison, in which he shows the period of disablement after the accident, and that period is not a long period as a rule. Those figures mostly show that those people are mostly either killed on the spot or that they got off with a comparatively slight amount of injury.

680. Still there would be something to be added?—There would be something to be added, I am afraid. Against that, of course the general precautions taken, and the diminution of accidents as per 10,000 people, would be a set-off; I think that might be rightly taken into consideration.

681. Then would you show us how you arrive at the 2 s. 6 d.?—I was saying that the figures supplied by Dr. Farr show that by taking the number of fatal accidents from 1851 to 1870 at all ages (and he takes the ages from 5 up to 80, it will therefore be perceived that 5, 10 to 14, would have to be taken out of this account), he comes to the conclusion that taking the mean between the ages of 40 and 50, 2 s. 6½ d. would be sufficient; but, as I was saying, I think that mean would be somewhat too high, considering that in one of the most risky of our occupations, namely, mining, that is diminished by one-third, or nearly one-third in round figures; and I think we may anticipate a very much greater reduction; at any rate an equal reduction from the measures which have already been put in motion with regard to mines since the very latest returns have been issued; I mean more particularly with regard to the use of gunpowder. The figures that have been supplied, as has been rightly said,

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Mr. Duff—continued.

said, would scarcely be sufficient to cover the risk, supposing that miners and railway servants only took up policies; but I think that the amount itself would be so small that there would be a great inducement to persons of all classes to take policies. I think that not merely miners, and not merely railway servants, but the travelling public, and all people, in fact, would be likely to take up a policy of this kind at 2s. 6d., and, supposing you went higher for other classes of persons, making a limit with regard to those in risky trades, I think that they would take up policies, especially as in doing so they would have two advantages that insurers have not now. In the first place, this system would be brought home to their doors by the Post Office established in their midst, and, in the next place, they would look upon the Post Office as a guarantee for payment. They would be satisfied as to the payment of the policy whenever it fell due in their case, a satisfaction they do not always feel with regard to some of the institutions that have taken up this kind of business. Another thing that the Post Office would not have to do is this; they would not have to spend so much money in collecting the premiums as they do in some offices. Some of them spend 48 to 50 per cent., which is a very large percentage indeed with regard to matters of this kind, but the percentage necessarily increases whenever they take disablement in connection with fatal accident. When the fatal accident alone is taken into consideration there is not so much chance of any fraud or any misrepresentation prevailing, consequently it would be very simply, very cheaply, and very efficiently worked.

682. Your figures would show that if the insurance was chiefly confined to the men who were engaged in the dangerous employments, that in order to insure the Post Office against loss, and even not allowing anything at all for expenses, it would require an annual payment of something like 6s. or 7s. instead of 2s. 6d. to insure 100l., would it not?—You are taking the highest point arrived at, I think.

683. It is a very simple calculation?—According to the per-centage of the number of deaths given from 1871 to 1880 it would certainly take 5s. 9d., or I presume it would.

684. That does not include anything for the margin of deaths which would take place after a coroner's inquest, and before the time when you propose the policy should lapse, does it?—No, it does not.

685. Therefore it would not be wrong to say that, without allowing anything for the expense if the insurance was chiefly confined to the persons who are employed in the dangerous classes, it would require an annual premium of about 6s. or 7s. to put this accidental insurance system on a sound basis?—That would certainly appear to be so from these figures.

686. I do not know whether it has been brought under your notice that by actuarial calculation the Commissioners of the National Debt, who prepare the insurance tables of the Post Office, reckon that the actual extra amount of payment required on a policy of 100l. from a person in-
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Mr. Duff—continued.

suming at the age of 30 who is engaged in any of those dangerous employments is something like 10s.?—You mean for those in the purely risky occupations?

687. Yes, I think these are the figures: that for a person insuring at 30 for 100l. the annual payment which the National Debt Commissioners, or the Post Office as their agent, charge now is 2l. 6s. 7d., and they say if you insure a person who is engaged in a dangerous employment, such as coal mining, or who is employed as a butcher or a publican (those are three classes), that then you must not charge 2l. 6s. 7d. but 2l. 17s., so that there is a difference of nearly 11s., which actuarial calculations show would be required to cover the extra risk involved in those dangerous employments?—Of course I am not competent to go into those calculations. I have not the means before me of doing so. I can only say that, taking the age of 30, the tables supplied by Dr. Farr show that he considers that the nett annual premium over the whole term of life would be 2s. 2d. for all.

688. Dr. Farr's calculations, which I should not dispute for a moment, are based upon the supposition that an equal number of workmen in different trades insure; is not that so?—Yes, quite so.

689. Suppose you could guarantee that 10 per cent. or 20 per cent., or whatever the proportion might be of the not dangerous trades as well as those of the dangerous trades would insure, I have no doubt 2s. 2d. would be quite sufficient; but I am directing your attention to the fact of what I fear might be the case, viz., that the workmen who would chiefly insure would be those employed in the dangerous trades, and that there would not be, at any rate, as many insure in those trades where they were not so liable to accident, and if that were the case I think your own figures show that 2s. 6d. would not be a sufficient payment?—That is so, but my hope would be that by arranging it on the low scale of payment suggested it would become a somewhat universal and favourite method of insuring in the same way that we now use the Post Office for sending letters far and near for a penny. I am inclined to believe that by making this known amongst the workmen a very much larger proportion would be induced to join (when I say induced I do not mean by mere pressure, but by the fact of its being established) than appears probable upon the surface.

690. If any attempt were made to apportion the payments in proportion to the risk which it is ascertained attaches to the trade; for instance, that a coal miner should be required to pay 6s. or 7s.; when you have got down for a person in a less dangerous trade or occupation, such as that of an agricultural labourer, 1s. 6d.; do you think that that would deprive the scheme of its popularity, or of its usefulness?—I think it would, and I think it would have another effect also; I have thought over that matter, and I had occasion to turn my attention specially to it when I was writing upon the subject some little time ago; it seems to me that the more risky trades, as a rule, are by no means those that are the best paid;

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Mr. Duff—continued.

paid; leaving out of calculation the year or two when the miners were paid exceptionally high wages, the miners' wages, taking the average, year by year, is by no means a high average.

Lord Lyndington.

691. Do you know what the average is?—No, I should not like to quote figures as to what I might think it would be; but I am judging generally by some figures given me by word-of-mouth by men connected with the mining districts; I do not think we have a right to take into consideration that very exceptional period, because wages went up very fast and fell down flat again very quickly, and latterly the wages have been very low indeed; I may say that they have been very little better in some places than labourers' wages; I do not think, taking the average of their wages for the year round, and from year to year, that they would be very high; as you are aware, in the case of railway servants, those most liable to accident amongst them are not the best paid; the building trades would, perhaps, come next, or the butchers, who are a small body of men, and who are exposed to some risk, but the building trade is a large trade of course, and the wages are tolerably high, taking them all through; singularly enough, however, I think that in the building trade the men most liable to accidents are the very men who have the least pay, viz., the labourers; for instance, in the joiners' shop the joiner does not run the same risk as a bricklayer; the wages of the two classes would be about on an average, or if not on an average, their wages are, to some extent, uniform, except that the one loses more time than the other; but the men who run the greatest risk are the labourers who get the least pay, and who could the least afford, therefore, to pay the higher rate. Of course I am only judging by investigations I have been enabled myself to make, when I say that I think the rate could be put down so low that it would be an inducement all round to insure.

692. Then, according to your argument, it would rather make the amount a man paid depend not upon actuarial calculations, but upon his capacity to pay, and therefore it would be partly charitable, would it not?—It would to some extent bear that aspect, but I should hardly like to have that name given to it. I would rather prefer its being put upon the ground, as in the case with the Post Office system, that the short distances help to make up for the long distances. I would prefer that neither one party nor the other, except, perhaps, exclusively in a class, should be able to insure at other than the same rate.

693. But then every class can get advantage in a uniform system. When a workman posts a letter for a long distance he gets the same advantage as a rich man, whereas in this case your proposal would require some people to pay more than they really ought to pay, and other people very much less; and some of the people would have to pay more than is actually required, even though they are some of the poorest persons in

Lord Lyndington—continued.

England; the figures show that the agricultural labourer could be insured for less than 2s. 6d.? —Yes, I have no doubt that would be so.

694. You have probably seen the evidence; is there anything in any proposal which has been brought forward here upon which you would like to make any observations?—I have just thought of one thing. Suppose it should recommend itself to the Committee in starting this thing, it seems to me that the Government might have a right by an Act of Parliament to claim certain funds that are already in somebody's hands, funds that have been collected from time to time when sad catastrophes of a greater extent than generally have taken place, and I am told (I do not know how far it is true, and I have not been able to get at the exact or reliable figures, although it is referred to in some of the Mines Reports) that there are very considerable sums (some say 150,000*l.* to 200,000*l.*) lying somewhere in banks, that have been subscribed at various times, and that this money is not utilised, and it is very seldom that any portion of it is used for the purpose of affording support when any new catastrophe occurs. It seems to me that should such a scheme as this be taken up by the Post Office the Government might very well ask that this money should be transferred as a starting point for a fund of this kind. The generous-minded people who have given it are not likely ever to claim that money back again, and it certainly does not belong to those who are trustees for it now. They are funds not used for any particular purpose, and it seems to me that it might be transferred to some such fund as that proposed.

695. I understand one of your chief reasons for advocating the Government undertaking accidental insurance is, that in the case of those accidents which occur on a very large scale, and which attract public notice, they are certain to secure a very considerable amount of relief, and sometimes, as the facts you have just mentioned seem to show, that very much more money is obtained than is necessary?—

696. In the case of the small accidents, which represent in the aggregate after all the greatest class of deaths, they are not written about or spoken of in the papers; and, therefore, do not create any sensation, and the relief given in those cases is much smaller?—Very much smaller; it is about 78 per cent. We put it down rightly, I think, at 75 per cent. of the whole number.

Mr. Brand.

697. I understood you to speak of a fund of 200,000*l.*?—No, I think the money is in a number of funds. There were some funds subscribed even as long ago, I think, as the Oaks Colliery accident; I think some of the funds are lying at the Mansion House in London, that some are lying in somebody's hands at Manchester; the same thing applies in regard to Sheffield, and it is the same in regard to Wales. I think there is a good deal of money of that description lying about in various ways that might be got at.

698. You

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Mr. Duff.

698. You think the Government should insure at a uniform rate, as I understand?—At a uniform rate.

699. Would not that result in the Government having to take all the risky trades?—I am inclined to think it would not; I think the fact of its being in connection with the Government would of itself inspire a degree of confidence (especially if the Government rate were a low rate) that would not be found in connection with any other movement.

700. But if the private companies only took the rates with respect to which there was no risk that would throw the risks on to the Government, and enable the private companies to compete on more favourable terms with the Government, would it not?—It might appear to have that tendency; I do not know whether it would or would not. I do not think a matter of this kind can be treated purely as an actuarial question. I say that with all due deference to gentlemen of ability who have spent so much time over these calculations, and I base it upon experience of the working of other societies (and you will recollect that the point has been over and over again contested, that the actual working of funds of this kind, except in the cases of life insurance, which can be calculated very much more accurately, and even then there are certain circumstances which must be taken into consideration, show that the funds are not always governed by purely actuarial calculations. It was said many years ago, for instance, that the trades unions could not bear certain strains upon their funds, because calculations had proven that they were unsound in certain particulars. Since that time they have gone on increasing, and some of their funds have become very vast. They have added, not to their assets, but to their liabilities from year to year; that is to say, they have included some new things in connection with it, more benefits without increasing the contributions, and I think they have undertaken one of the most risky methods of insurance possible in some of the larger ones, namely, insuring their men a certain rate of wages per week when they are out of work. The strain during the last few years of depression has been something enormous. I have no right to quote the name of a society, but I may refer to it for a moment as a fact. There is one society that I feel very great interest in, because, I think, as a rule, it is well conducted. I know its officers and so on. I was exceedingly afraid for some time that it would collapse absolutely. The thousands of men that were thrown upon its funds for some two or three years, and the consequent drain upon its resources, seemed to me to threaten absolute insolvency, and a collapse of the whole thing. Just as it got, apparently, to the very lowest ebb, when, I suppose, the actual amount of the balance in hand was almost nil, the tide turned, and to-day they have made up, as it were, for their losses with that wonderful rapidity which would show that they would be able to go on again, and bear the same strain for another ten years, even though they have had a less period than two years of prosperity since that time. It happens in this way

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Mr. Duff—continued.

(perhaps you will see it has a little bearing upon the case in point), that oftentimes a great number of persons insure or become members of a society that never reap any advantage from it whatever; and even supposing, during the time they have paid and would be entitled to participate, that the society is liable, they, for some reason or other, do not avail themselves of the very advantages for which they have paid. It is a thing that cannot go by calculation; people go in and out in societies. I know that in a matter of this kind, when the policy terminates year by year, there would not be the same chance of that happening; still, at the same time, people, after paying their 2s. 6d., may go to America or to Australia. They may have gone away, and you never hear anything more about them; they lose their policy, and are never identified, and I am inclined to believe that one of the societies that now has an enormous industrial business makes an enormous amount of profit purely and entirely from lapsed policies, if I may use the term profit as thus applied to insurance business.

Lord Edmond Fitzmaurice.

701. To what do you attribute the small popularity of the annuity insurance among the working classes?—I do not know; except, as I stated at the outset, that I am afraid it is not generally known. I was somewhat surprised when I read the evidence of the small amount of success that it had attained. I have not the means at my command of making a comparison. I do not know whether the rates are higher than those offered by some of the insurance societies that do a good deal by canvassing, but that might be the case, and that would place the Post Office at a disadvantage. You see the Post Office does not do anything by actual canvassing like the societies do.

702. Do you think that the societies that do industrial business have been very much increasing their business of late years in the deferred annuity department?—I do not think, as a rule, they have, but one office certainly shows that it has been increasing its business.

703. You refer to the Prudential, I suppose?—Yes.

704. Still you know that they do that business at an enormous cost, I assume?—Yes, they do it at an enormous cost.

705. Therefore, unless the society is altogether unsound, they must do it at a proportionate cost in the way of premiums paid by the members?—Yes.

706. Therefore, presumably, the Post Office ought to be able to compete with them successfully?—I think so.

707. You would, I suppose, consider that the Prudential is a very fair society to take as a model for comparison?—Yes, I should think it would be, except, of course, that its rates are high just in proportion to the cost of collection, and so on. That is a thing that would be avoided by the Post Office.

708. Do you know of any other society which would be a better society to compare with the Post

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[*Continued.*

Lord *Edmond Fitzmaurice*—continued.

Post Office than the Prudential?—No, I think there is none.

709. I suppose you attach a good deal of importance to the deferred annuities, do you not?—I do not think I should quite like to express an opinion upon that matter as I have not thought the question out sufficiently. I noticed from the evidence that was given here on, I think, the last occasion, that it had not been working quite so satisfactorily as it was thought it might have worked, and I was somewhat surprised at that,

Lord *Edmond Fitzmaurice*—continued.

but do not think I can venture on an opinion with regard to it.

Chairman.

710. You have explained your scheme very clearly; is there anything more you would like to add?—I think I have touched upon all the points that I thought the Committee would like to hear me say anything upon.

Friday, 10th March 1882.

MEMBERS PRESENT:

Mr. Brand.
Mr. Duff.
Mr. Fawcett.
Lord Edmond Fitzmaurice.
Mr. Goschen.
Mr. Harcourt.

Mr. Mitchell Henry.
Mr. John Hollond.
Lord Lymington.
Mr. Loder.
Mr. Charles Ross.
Mr. Selater Booth.

RIGHT HON. HENRY FAWCETT, IN THE CHAIR.

Mr. MARCUS NATHAN ADLER, M.A., called in ; and Examined.

Chairman.

711. YOU are the Actuary, are you not, of the Alliance Assurance Society?—I have been the Actuary to the Alliance Assurance Company for the last 15 years.

712. And that is one of the leading insurance societies in London, is it not; it is one of those societies which you may put in the first class?—Yes, it is considered one of the respectable leading offices.

713. It has a very influential board of directors, has it not; I only mention that to show its position?—It has.

714. You also have been employed, as I understand, by the Government under the Friendly Societies Act, as one of the valuers to make up the quinquennial valuation, have you not?—I have acted as a public valuer under the Act for the first five years after the Act came into operation; and I have also been authorised by the Treasury as one of the actuaries to certify annuities.

715. As I understand, you are anxious to describe a scheme which you have promulgated for many years, and after that you will perhaps be good enough to give the Committee the value of your experience as to some of the questions that have been raised here; will you first kindly describe to the Committee a scheme by which you think the Post Office might link itself with the friendly societies in the way of doing insurance business; that is your idea, is it not?—Yes.

716. Will you briefly describe it to the Committee?—The Royal Commission on Friendly Societies which sat and made its report in 1874, devoted in its report a chapter to State action, and the conclusion arrived at there is, that it is undesirable for the State to undertake what is called the sick business of friendly societies; but that it would be very desirable if it could undertake the death-pay and the deferred annuity portion of their business, and also endowments. To carry this out successfully, it appeared to the Commissioners that a house-to-house collection would be necessary, and in consequence of this difficulty they do not appear to have pursued that subject further. When, in 1864, Mr. Gladstone introduced the measure of Post Office annuities and assurances, there was a

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Chairman—continued.

strong feeling amongst assurance companies and amongst friendly societies that it would altogether injure the private institutions. I was one of the few then who expressed an opinion that it would not at all injure or interfere with those institutions. I read a paper to the Institute of Actuaries in April 1864, when the Bill was under discussion, and, with your permission, I will read a passage which will explain my view. It is contained in volume 12 of the "Assurance Magazine," page 14. In dealing with the argument of many persons who ask, "Why take from friendly societies the most profitable part of their business, and leave them the least profitable portion?" I answer by saying, that "the Government will take away from friendly societies, not that part of their business which is necessarily the most profitable, but that part of their business which enables them to conceal their insolvency for the longest period, and which for the longest time facilitates a lavish and wasteful expenditure." "I conceive that it would be less objectionable for friendly societies to continue to grant sick allowances, especially if these sick payments are only allowed to be made up to the age of 60 or 65. In the words of our president, Mr. Jellicoe, 'sickness clubs do not necessarily involve any lengthened series of accounts, or any prolonged maintenance of funds. There is not in them that lamentable and most painful character which pertains to assurance clubs, or the deferred annuity clubs, to which men may subscribe for years and years, and when the time for the expected benefit comes, a total failure ensues. In sickness clubs there need be nothing of the sort. It is quite competent for a number of persons to subscribe together for the sickness of this year, next year, or the third year, and having paid all demands upon the club, to settle its affairs and begin *de novo*.' If at the same time these friendly societies acted the part of intermediate agent between the working man and the Government office for the effecting of assurances and deferred annuities, the societies would still continue to exercise a beneficial influence. The members could still continue to enjoy their meetings and discuss amongst each other the common objects

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of their society. It would not add much to the duties of the collector of a friendly society, who, in order to collect the weekly payments to cover against sickness, &c., has to go his round from house to house, if for a trifling commission (not for 25 per cent. as hitherto) he were to collect weekly the premiums of those who, through the agency of the friendly society, assure with the Government office. There would be no chance of the society spending the funds so collected, as the premiums would have to be regularly paid, say every month, by the society to the Government office, which might then issue, as is even now the case with the Post Office banks, an official receipt for the premium direct to the assured. I believe a similar course is already being pursued in the case of the deferred annuities granted by the National Debt Office, the friendly society or the savings bank negotiating on behalf of their customers with the National Debt Office for the purchase of an annuity." In the year 1865, I read a further paper to the Institute of Actuaries, in which I examined the rates which had then been issued by the Post Office Department, and, at the conclusion of that paper, I make this remark—

717. Is it a long extract?—No; I will just read the pith of it: "It is a mistake to suppose that the facilities in the modes of payment, or that the security the Government offers, will prove so attractive to working men as to induce them to abandon their clubs and friendly societies, and to wish to assure with Government." Then I go on to state with respect to annuities that there was an Act passed, 3 Will. 4, c. 14, which gave facilities to make payments in respect of annuities. Yet so few availed themselves of this privilege, that the Act was repealed after having been twenty years in force. "As the case now stands with regard to assurances, I think the labouring men of this country will show a similar aversion to entering into contracts with Government direct; not because they are not provident, perhaps they are more provident than any other class of society, but because they are unwilling to sever their connection with the clubs to which they are attached. It may, under these circumstances, be worth considering that the present minimum of 20 l. for assurances be reduced, and that in the same manner as the General Post Office, agreeably with Section 32 of the Regulations, is empowered to make arrangements with superior officers and employers for collecting the premiums amongst those employed by them, so it should constitute all saving banks, but especially friendly societies, its agents."

718. As I understand, there are two different classes of societies; there are the friendly societies and the industrial assurance societies; both of those assure for small amounts; but the insurance business in the case of the friendly societies is only one part, and in some instances a small part, of the aggregate business they do; whereas, with regard to the industrial societies, it represents a very large proportion of their business; that is the case, is it not?—That is the case.

719. In your scheme, would you propose that the Government should compel friendly societies

Chairman—continued.

or industrial societies to surrender their insurance business in the manner you propose, to the Post Office, or would you simply propose it as a voluntary arrangement?—I should not go so far as to make it compulsory. I should certainly make it voluntary, but I should go a little farther. Under the Friendly Societies Act of 1875 it is compulsory to make valuations every five years; the quinquennium expired on the 31st of December 1880. It is to be regretted that the Report of the friendly societies for the year 1880 is not yet published. Still, I have seen something of the working of the Friendly Societies Act, having had to make a great number of valuations.

720. You propose that the surrender should be by way of a voluntary arrangement, do you not?—My scheme would work whether the arrangement be voluntary or compulsory; but it could certainly be made voluntary in the first instance.

721. If it is voluntary, I want to put this question to you, as to the means of carrying it out. Without making any charge against the friendly societies and industrial societies, their position varies very greatly. Some of the friendly societies and industrial societies are in a much more prosperous condition than others. What security would the Post Office have that they might not be linked with the bad societies and not get the good societies? Supposing the good societies, for instance, said that they would not come in, the Post Office would have to do the business of the bad societies and would not have to do the business of the good ones?—I think it would be very desirable that the Post Office should do the business for the bad societies, and leave the good societies to stand on their own footing.

722. Or *vice versa*. Suppose, for instance, that the good societies came in, and the bad societies stopped out, the Post Office should have no power whatever to compel the bad societies to come in?—That is so if the arrangement is to be entirely voluntary. With reference to that I made a remark, and I hope it is not irrelevant if I just dwell a moment longer upon this. My remark was to the effect that there might be given a certain probationary time within which friendly societies which were by their own showing insolvent should make up their life assurance fund, and if they did not make it up by a certain time, then the Government should say, "We gave you certain advantages; we also allowed you a large rate of interest; we cannot let you go on further taking the working men's money without your being able to carry out the contracts you make with them; if you do not square your accounts the Government will step in and will not allow you to continue granting assurances payable on death."

723. Then I understand your scheme to be this, that unless a friendly society or industrial society acceded to certain conditions which the Government might consider necessary to constitute a sound business, the Government should, after a lapse of time, say, "You shall not continue your business at all unless you do it through the Post Office?"—"You shall not continue your death-pay or funeral pay business."

724. How

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Lord Edmond Fitzmaurice.

724. How could you prevent their continuing to do that business?—Under the Friendly Societies Act of 1875, the valuation returns must be sent in every five years; every registered society ought to have had its returns sent in by 1st of January 1881.

725. That is not quite an answer to my question: the difficulty which, as it strikes me, arises on your plan is one that has already arisen, notwithstanding the precautions you describe. Suppose a friendly society does not send in its returns, or does send them in, and they are pronounced to be unsatisfactory, and then the society takes no further notice of what the Friendly Societies' Registrar has told them, what happens?—What I suggest is, that notice should be given, that, say, within five years, the deficiency of the funeral fund should be made up; if that is not made up by the specified time, then the Government should say to the society, "You shall not continue to carry on these operations, and we will take those contracts in hand," of course, paying a diminished amount *pro ratâ* of death-pay; and that would have to be carried on through the Post Office.

Chairman.

726. Then what you would propose, as I understand your reply to Lord Edmond Fitzmaurice's question, is, that the Post Office should, after the lapse of a certain period, be the agent or liquidator for the compulsory liquidation of a certain number of friendly societies, which might not be regarded as sound?—Yes.

Lord Edmond Fitzmaurice.

727. I suppose, after you have compulsorily liquidated any society, you would prevent that society reforming itself immediately?—There would be nothing to prevent this, except that at the end of the five years, another valuation return would have to be sent in, and that would be subject to examination. If the society is sound, it may be continued, of course; all its subsequent business would be upon fresh contracts.

728. What is to compel a society to send in its accounts; under the Friendly Societies Acts, it constantly happens that there are societies (I know such myself) which are outside the Act altogether; you cannot prevent working men in a village in the West of England from going to such societies, if they choose to be so foolish as to go on paying their money into them, can you?—You refer to unregistered societies, I presume?

729. To unregistered societies, and also to those which are registered, but which practically take no notice of the Act?—I think there the compulsory power should very properly step in. Under Clause 32 of the Friendly Societies Act, officers who evade sending in their accounts, are subject to a penalty not exceeding 50 *l*.

730. How would you work it? That is what I want to get at?—In the case of a society that is found to be insolvent, the Post Office, as I have shown, would take the compulsory liquidation in hand, and if afterwards the society reformed itself afresh, its contracts would be all

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Lord Edmond Fitzmaurice—continued

new contracts, and after five years they would then be overhauled in the way I have explained.

731. You would have rotten societies every five years; and everybody who lives in the country (I believe it is not so much so in towns) knows that there are there what are called Sharing-out Clubs, and things of that kind, which last for two or three years, and sometimes, I believe, for only one year?—I have not a word to say against those dividing or sharing-out clubs, because dividing or sharing-out clubs do not take the money of the working man and profess to lay it by for the far future. These, I think, should not be interfered with at all. The societies which should be interfered with are those which profess to pay certain sums at the death of a man. In some cases a man enters a society at an early age and pays till he is 60 or 70 years of age, and when the rainy day comes, and the man's family want to be provided for, there is nothing left of that money which he has paid for so many years.

Lord Lyndington.

732. Without reaching the five years, if not in a satisfactory condition, they would probably wind up the society and divide whatever funds there were between them, and then re-form again, according to your scheme, would they not?—I take it that there would be no great objection in that. There would, at any rate, be none of that disappointment which a working man's family would experience in the case of failure after he, as a member of the society, had been paying for many years.

Mr. Harcourt.

733. What money responsibilities do you suppose the Post Office would have to undertake under your scheme?—I find that, with regard to this, practically, a similar scheme is carried out by the large affiliated societies, such as the Foresters and Oddfellows. They find a difficulty in administering the death-pay in the small lodges or courts; consequently a number are combined into districts, and it is the districts that undertake the death-pay. Only yesterday, I saw how this is carried out by the Foresters. Once a quarter each court has to pay into the account of its superior district at the London and County Bank the total of the contributions received in respect of death-pay during the past quarter. Every such payment is accompanied by a form duly filled up. This form contains a list of the members and members' wives, with their quarterly contributions in respect of death-pay. The district takes these contributions quarterly, and whenever a member dies, on the certificate of death being produced to the district office, they at once pay the amount assured.

Chairman.

734. I think you will see that your proposal would carry this Committee rather beyond the scope of its inquiry, because it involves, as has been pointed out by Lord Edmond Fitzmaurice and other members of the Committee, as an essential part of it, that it would give the Govern-

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ment the right to interfere with friendly societies; it is a very large and very important question, to what extent the Government is justified in interfering with friendly societies; and I do not see exactly how your scheme would work, unless the Government were prepared to ask for powers which would give them a much greater right to interfere with friendly societies than they possess at the present time?—If that is your view, I would only then go so far as to make the scheme entirely voluntary, and a very little alteration in the regulations respecting Government insurances and annuities issued by the Post Office would enable that to be done. Paragraph 32 of those regulations is this, "If any person under the control of the Postmaster General, or under the control of the Commissioners of Inland Revenue, or the Commissioners of Customs, or any person employed in any Government Department, or any person employed by the directors of a railway company, or by a manufacturer or other large employer of labour after effecting an insurance on his life, or contracting to purchase a deferred annuity or monthly allowance under these regulations, shall desire to have his premiums or instalments deducted from his salary or wages, and paid over to the officers of the Postmaster General, and if the persons under whom or by whom he is employed shall be willing to undertake the deduction of such premiums or instalments from his salary or wages with the view of paying them over to the officers of the Postmaster General, then the Postmaster General shall, if he think fit, make arrangements with the said employers for such purpose, and shall constitute the departments, offices, or places of business of such employers, "Offices for the receipt of proposals, and for the receipt of premiums and instalments," and shall pay to such employers such remuneration for the work done by them or their officers or servants as shall be agreed upon between him and them." Now my proposal would simply be to extend this to friendly societies, so that the members of any friendly society who desire to have their premiums for life insurance deducted from their periodical payments to such friendly society, and paid over to the officers of the Postmaster General, can do so.

735. That would necessitate the Post Office having absolute and supreme control over the terms on which friendly societies would insure; assume, for instance, that there is nothing now to prevent 100 members of friendly societies coming and insuring with the Post Office?—They would have to do so at present individually, and you will never induce them to do so, and to keep up their payments. There is an important feature in my plan: if we could get the members of the friendly society or the village club to come voluntarily to the Post Office collectively, we should get over another very great difficulty, namely, that of a medical examination, which I know has been discussed in this room in connection with reducing the amount of insurances to below 20*l*. In a village club, which gives both sick-pay and death-pay, you could do without the medical examination, because in the village club each man knows his neighbour, and they

Chairman—continued.

would not admit a sick man or a man likely to be often ill into their club.

736. The point I want to be clear upon is this: if the Post Office take, as it were, the corporate assurance from the village friendly societies, the Post Office must have absolute control over the terms on which the insurances are effected?—Decidedly.

737. Then all I understand you propose now in this plan is to make the friendly society an agent for the collecting of premiums, but that all the management of the assurance business should be absolutely taken out of the hands of the friendly society?—Quite so; the friendly society merely accounting once a quarter or once a month, and paying the money collectively over to the nearest post office.

Mr. Mitchell Henry.

738. What is the complete scheme?—I think the important feature in the scheme is, that it enables the friendly society or the village club to transfer its liabilities on the terms of the Government. I would not disturb the rates of the Government at all. By enabling the secretary of the friendly society to pay over this money collectively every quarter, you get rid of the great difficulty of the medical examination. You need not examine these members individually, or require them to fill up complicated forms; with these exceptions, all the regulations of the Government could remain intact as before. The mode in which the money is to be paid over by the club or the society to the Post Office is merely a matter of detail. I need not go into that. I do not know that I need amplify the plan; it almost speaks for itself.

739. That constitutes the whole of the plan, does it?—Yes. However, I might add that there are two ways of working it. The one way is that the Government is to take over only new members or new entrants of village societies at the rates which the Government quote in their Tables; but there may be a further extension of this by taking over all existing assurance contracts which already prevail in these clubs. For instance, a member has entered a club twenty years ago, and is paying 1*d*. per week for the assurance of a death-pay of 10*l*., and he has been paying that for the last twenty years; if he entered at 40 the premium would be 2*d*. a week; that would be a much higher premium than when he entered at 20; therefore the village club ought to pay, over and above the 1*d*., weekly, a certain sum being the reserve which represents the liability on that policy. That is a matter of actuarial detail which can easily be worked out; but my plan admits of both arrangements, though it does not necessarily include both; either the one or the other or both can be adopted.

740. Are you satisfied with the present rates of the Post Office insurances, or do they require modification?—This is a question which requires to be answered with some detail. The rates are based upon the English life tables, at 3 per cent. interest. The loading or margin to cover expenses and fluctuations is in the case of premiums payable once a year, about 10 per cent. A further

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further addition of 10 per cent. is made for assurances renewable oftener than once a year. This addition I hold, is not quite fairly or equitably levied, because if a man pays his premium half-yearly he ought not to be charged extra, as much as a man who pays his premium fortnightly. I adverted to that in the paper which I read in 1865; but that is merely a matter of detail. I think that the rates are very fair rates; but I must say, before I can answer the question properly, I ought to know the expenditure and the results of the quinquennial valuations which, under the Act, have to be made of the assets and liabilities of the Post Office Assurance and Annuity contracts. These valuations have not been published. I think just as statements of the valuation of life assurance companies have to be published periodically it would be very desirable if the valuation of Post Office Assurances and Annuities were also published. At the present time the public is ignorant of the basis on which this valuation is made.

741. It is sufficient for my purpose then to take as your answer, that in carrying out your plan or scheme, you would require to reconsider the present rates of the Post Office insurances?—I think those rates are very fair rates; I think they could be taken as they stand, taking them altogether, provided the expenditure is not excessive.

742. Do you contemplate reducing insurances below 20 *l.*?—I strongly advocate that.

743. To what extent would you go in the way of reduction?—I should go down as low even as 1 *l.* or 10 *s.*, provided always you have the machinery under which you can collect the small premiums which would be payable under such small insurances.

744. £. 1 and 10 *s.* you propose payable at death?—Yes.

745. And in order to do that you would have to avail yourself of the existing machinery of the friendly societies?—That is my proposition.

Chairman.

746. But that could be done perfectly well under a scheme that has been proposed here. You would not say that it could not be done in any other way except under your scheme?—No, I do not say that. Of course a scheme under which premiums for a 1 *l.* policy would have to be collected one by one, weekly or monthly, would be a very costly process indeed; it could not be well done at the existing rates, so far as I can see.

Mr. Mitchell Henry.

747. The existing friendly societies, inasmuch as they have to collect for other purposes, would in your opinion be a more available means for collecting the premiums for life assurance in the Post Office on small amounts?—I think so.

748. Do you contemplate assurances of above 100 *l.* in your plan?—The Friendly Societies Act restricts all assurances to 200 *l.*; 200 *l.* is their maximum under the Act, and I think a similar maximum might well be adopted under the Post Office Regulations.

749. Have you any idea what is the proportion 0.67.

Mr. Mitchell Henry—continued.

of the higher assurances to the lower; can you give us anything in the shape of a per-centage of insurances at 200 *l.* and at 100 *l.* and at 50 *l.* and 20 *l.* amongst the friendly societies who are restricted to insurances not exceeding 200 *l.*?—From my experience I think that insurances for even over 50 *l.* are comparatively rare among friendly societies. There are a few of the older societies that have some assurances from 50 *l.* to 100 *l.*, embracing business men or artisans of a higher class. I refer to a society that is nearly 50 years old, which by very careful management has been able to invest its money so profitably that its 100 *l.* assurance policies have, by the addition of bonuses, amounted to nearly 200 *l.*; but that is quite exceptional. I think you may take it that very few friendly societies indeed grant insurances for over 100 *l.*

750. That is to say, there is very little demand for assurances over 100 *l.* among the artisan and labouring classes?—The artisan class, I believe, largely avails itself of insurance over 100 *l.*, but they resort to industrial societies.

751. Do you think in order to make the system of small assurances pay it would be necessary to increase the maximum insurances so as to pay the expenses from the profits of insurances above 100 *l.*?—To speak my opinion candidly, I think it would be very hard if it were made the reason for exceeding the limit of 100 *l.* that you wish to make the assurances for larger amounts bear the expense of the assurances for smaller amounts. If the assurances for smaller amounts are desirable, seeing how much the Government have done to promote habits of thrift among the working classes, they ought to pay the expense of that without putting it upon another class of assurances, or they ought to raise the rates for the smaller assurances.

752. The notion of some people is that the higher class of assurances should pay the expense of the lower class; that, you think, would be unjust?—Yes. I may state that the larger and older insurance offices do not care much for insurances below 200 *l.* as a rule, but still there are many companies and industrial societies that do a great deal of business in those policies of 100 *l.* to 200 *l.*

753. Are there not a number of insurance offices that do a very large business in sums of assurance of 100 *l.*, and 150 *l.*, and 200 *l.*?—Besides the Prudential, there are two or three companies that do make a large business in that way.

754. As I gather, you think every class of assurance should pay its own expenses?—I think it should be made to pay its own expenses if possible.

Lord Edmond Fitzmaurice.

755. When you propose to make the friendly societies (as I understand you so) the agents of the Post Office for the purpose of life assurance, from whom would you propose that the Post Office should expect to receive the premiums; from individual members, or trustees, or the secretary, or from some other officer?—I assume that they would receive them from the secretary authorised by the trustees of the friendly society.

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756. Then

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756. Then would you propose to put him as it were, in the position of a trustee?—I think so. Perhaps the secretary, together with the treasurer, might act in the matter; that is merely a matter of detail; but it should in any case be the representative of the friendly society, and not each individual member.

757. It seems to me that that is not a question of detail but a thing upon which the whole plan turns, because I cannot understand how you could work it unless you put some one in that position?—I revert to the case of the Foresters, where each court pays every quarter the requisite amount into the London and County Bank in respect of funeral benefits. It is done in a most systematic manner.

758. Then in this society the analogy, which I understand you to wish to apply, is that the central society looks to certain branch officers to receive certain sums of money?—The district receives the money from the courts and pays the claims direct.

759. Then what happens, supposing the money does not come in?—They have their regulations; they have their vouchers. Every court has a certain amount standing to its credit in the books of the district, and the courts would be very careful not to lose the benefit of this money which stands to their credit, and which they would do if they omitted to pay the premiums regularly.

760. You think there would be no risk of defalcations and frauds such as have frequently happened in friendly societies, by the treasurer going off with the cash-box or things of that kind?—These men have now to give security.

761. I am asking you this question, not for the purpose of casting discredit on your scheme, but to ascertain the detail of your plan; because you will agree that these are the difficulties which one must look in the face?—I confess I do not see much difficulty in the working of this plan; and it is practically carried out by the Foresters with 600,000 members, and the Manchester Unity of Odd Fellows with 700,000 members; also by the other affiliated societies who manage business similar to this without any difficulty. I have here the report of the London district of the Foresters, which gives the most careful statement of the moneys they receive every quarter from each of the courts, and also the result of their valuation. The district has its valuation made every five years and brings out its grand total of liabilities and assets. The details are very interesting, but I will not take up the time of the Committee by stating them.

762. What hold would the Post Office have over these officers, similar to that which the Foresters and the Odd Fellows have over their officers?—If the secretary of the club omitted to account for the money at the end of the quarter, the Post Office would make intimation to the club and its trustees that those contracts would lapse. A portion of the amount paid in respect of each member would still appear to the good of that member in the Post Office savings banks, an account being opened for each member. The member ought not to be deprived of all the

Lord Edmond Fitzmaurice—continued.

money which he has paid in; but as far as the assurance goes, the contract ought to be cancelled, unless the policies are revived within a certain period.

763. Do you anticipate that any difficulties would arise in regard to proving the identity of persons supposed to be dead?—I think not. I think there would be no greater difficulty than is now found by the Post Office authorities in identifying members assured direct with them.

764. You do not think that there would be greater difficulties than the societies find themselves at the present time?—I think not. You would not pay the claim more than once, and the club itself, or the society, would know of the death, and issue a warrant or certificate that the death had taken place. You would also require a certificate of death, and that appears to me sufficient precaution.

765. I think you propose that the receipts for each premium should be sent to the individual member direct?—I think that might be done quarterly.

766. I mean to the individual member, and not to the secretary or trustees?—I think the plan adopted by the Post Office savings banks might be followed, where the amount is paid in, and the depositor receives an acknowledgment direct from the Post Office; but it is not essential to my plan.

Lord Lymington.

767. What was the minimum sum you suggested that the insurance could be reduced to?—I think one might go down to 1*l.* insurances, or even lower, if there were a proper mode of dealing with the matter in regard to the collecting of the premiums.

768. Do you think there would be any practical difficulty in a scheme which I believe Mr. Whitehead has suggested, of enabling people to be able to pay in a shilling at a time and to insure 2*s.* 6*d.* at death?—I do not see that there would be any difficulty in that. Certainly in the case of single premiums I am quite prepared to advocate going even below 1*l.* If assurances are subject to annual or weekly premiums there would be much trouble and expense involved; but if the premiums are paid by a single payment I see no difficulty in going down even to two shillings in the way of insurance. As only one payment has to be made in the first instance, and only one payment has to be made at the death, there is practically very little trouble. In that respect it is very different from deferred annuities; in the case of deferred annuities the payments have to be made periodically; every half year or month, and that involves great trouble; but in the case of death-pay, the payment has only to be made once.

Mr. Loder.

769. Speaking of village clubs, would not the sick fund be a great factor in village societies?—It is a very great factor, no doubt, but that is a matter which the members must manage entirely amongst themselves. In the case of death-pay a certain amount of reserve fund has to be kept intact

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Mr. Loder—continued.

intact for a remote period when the claims arise. In order to meet their sick payments the village clubs are often tempted to dive into this fund, which ought to be kept intact; it is just for this reason that I advocate that that fund should be put beyond their reach.

Mr. Harcourt.

770. With respect to taking over these rotten societies, or societies that are supposed to be in an unsound state, what liability do you suppose the Post Office would have to undertake as to the existing contracts?—That is purely an actuarial question. I have here some figures upon that subject.

771. Without going into those particulars but simply on a broad principle, it is a question whether you would involve the Post Office in any money liability by taking over these societies or not?—I think if the friendly society pays the proper consideration for the existing contracts in addition to keeping up the periodical payments, the Post Office could without risk take over the existing contracts, as the difficulty of medical examination is got over, in my opinion.

772. Suppose that a society were rotten and that nothing could be got out of it, I understand you still wish the Post Office to take it over?—They could still take it over; but then they would reduce the contracts in this way; if a society ought to hand over 1,000*l.* in addition to the periodical payments in order to cover the existing contracts and can only hand over 500*l.*, then the amounts of death-pay insured must be proportionately reduced, and the Government could only take over and undertake to pay to each member something like 7*l.* instead of 10*l.* The amount would vary with the age and the number of years the member has contributed to the society. If the society has no funds whatever to hand over, the reduction would be of course greater.

773. Then it would be better to do away with the society altogether and commence *de novo* with the Post Office under these circumstances?—I am afraid that you would not get the members to come to the Post Office direct; it may be a question whether you would not get the members to begin their contracts afresh and pay the higher premium, but this, I consider, would be a hardship, because if a member has belonged to a society for 30 years, having entered that society at 20 years of age, and he is now 50, and during that time has paid 1*d.* a week, it would be very hard to ask him to pay 3*d.* a week to cover the same risk as that for which he has been paying, 1*d.* per week for the last 30 years.

774. Must he not either do that or be left in the position of not receiving anything at all?—Therefore my suggestion is to reduce the contracts proportionately in an equitable manner; but either the one or the other might be done.

775. You see some difficulty yourself in the plan you propose, do you not?—I do not see any great difficulty at all in the matter under my scheme. Societies that are recklessly managed

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Mr. Harcourt—continued.

would be made to pull up in time, before all the funds in respect of death-pay are exhausted.

Mr. Brand.

776. If your proposal is adopted, to transfer this life business of the friendly societies over to the Government, what security would you have in future against the development of weak lives?—Do you mean that those lives would become deteriorated?

777. No; what security would you have in the future that the development of fresh lives would not be a development of weak lives?—Bad lives or inferior lives?

778. Yes?—Here is this check, that in a village club the one member knows the other, and in a small society they would not allow any member in weak health to enter, because they would be subject to paying him sick-pay continually.

779. That is the answer I understand you gave before, but I did not see that it bore very much upon the question, as regards the future. As I understand, the officers of the friendly societies will be agents, under your plan, for the purpose of obtaining insurances for the Post Office; my question is what security would the Post Office have against the development of weak lives?—They would only do business with those societies that give to every member, not only death-pay, but sick-pay; it must be a *sine qua non* condition that he is a member of the sick branch also.

780. Then part of your proposal is that it shall be a condition that the person insuring in the Post Office must also be on the sick fund of the friendly society?—Yes; unless you effect certain other precautions; that is to say, in those societies which grant no benefits for sickness the friendly society might obtain, when the assurance is opened, a medical certificate; this the society would have to supply and send on to the Post Office, and the Postmaster ought to satisfy himself of the *bona fides* of the transaction.

Chairman.

781. I understand you to say just now that you thought that a quinquennial valuation should be taken and published of the Post Office insurance business in the same way as the insurance societies?—I think so.

782. That, as you are aware, is a question for the National Debt Commissioners, rather than for the Post Office. The Post Office simply act as agents for the National Debt Commissioners; it does not rest with them therefore?—No, I can see that. I make the observation, because it would become of very great importance in the working out of this scheme, which I venture to bring before you. For instance, I am unable at present to suggest what commission or rebate, if any, might be allowed to the friendly society for collecting the premiums.

783. But do you think it important for other reasons that there should be a quinquennial valuation of the Post Office Insurances in order that, at any rate, the possibility of making the Post Office Insurance Scheme include participation in profits might be considered; do you see

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Chairman—continued.

any disadvantage in that being done?—There are two Acts which were passed in 1864. The second of those Acts, chapter 46, actually has a clause which makes it compulsory to have a quinquennial valuation.

784. But then it is not published?—The Act merely says that “The Commissioners for the Reduction of the National Debt shall prepare and shall transmit to the Commissioners of Her Majesty’s Treasury, at the end of every five years, a statement of the result of a valuation of the engagements made and liabilities incurred during the preceding five years.”

785. Your point is that that is not published?—Exactly. The clause is also badly worded. Surely the valuation ought not to be confined to the liabilities incurred during the preceding five years, but should extend to a valuation of all liabilities.

786. Have you any opinion as to whether it would or would not be desirable for the Post Office to attempt to allow the insurers in some way to participate in any profits that might be made on the insurance business?—I see no objection whatever to letting the assured participate in profits; but of course the great point is to ascertain what the profits are; and that, I consider, is rather a difficult question, the great difficulty being the proper basis on which to make the valuation. I believe it is understood that the table on which the valuation is to be made is to be the same table as that on which the rates are calculated now. Now I say, with all deference, I cannot quite agree with that view, because those who are now insured in the Post Office are all select lives; whereas the rates have been formed upon the English life tables; that is, the mortality of all the population of England in general. I take it that the mortality of select lives (that is those selected under medical examination and otherwise) is very different from the mortality experienced by the large body of the population of this country; and the liabilities that are brought out under such valuations are very different things indeed. I might state, as a matter of actuarial interest, that a valuation made on the basis of the English life table as compared with a valuation made under what is called the healthy male tables (that is tables formed from the experience of 20 of the leading insurance companies), would bring out very different results. If certain engagements or contracts are valued by what are called the healthy male tables in respect of contracts which have been running for 15 years (I am taking 15 years, because the Government scheme has been in existence for just 15 years), and if the liability upon such contracts were 100,000 *l.* under the healthy male tables, the liability under the English life table would only be something like 92,000 *l.* Consequently the liability under this English life table would be understated; and therefore if profits were distributed on the basis that 92,000 *l.* only were the liabilities instead of 100,000 *l.*, the consolidated fund, or whatever fund it might be, would suffer eventually by it.

787. Of course if there was any plan of participation in profits, it would be desirable to have a correct calculation; but if the calculation were

Chairman—continued.

a sound one, so far as your opinion is concerned, you see no objection to the principle?—I do not.

788. Then with regard to the maximum of 200 *l.*, I understand that you are in favour of that partly on the ground that that maximum insurance is allowed to friendly societies, and also, you say, as I understand you, that with regard to the leading insurance companies they do very little business in policies of 200 *l.* and under, taking your own office for instance?—It is business which is not cultivated by the leading insurance offices.

789. Am I not correct in saying that many of the offices do not take policies of 200 *l.*, and even in the Alliance, I believe, some years ago, you did not take policies of 200 *l.*, did you?—Agents often have clients who wish insurances effected for 100 *l.* or even 50 *l.*; we do not like to refuse them; it is a matter of accommodation to them.

790. But a leading insurance company looks upon so small a policy as one of 150 *l.* with as little favour as a banker would look upon a very small account?—Quite so.

791. They may take it rather as a personal favour, but not as business that they would seek at all or desire to have?—That is so.

792. Have you any opinion as to what should be the limit of age? By the Post Office Act, which we are now considering, the minimum is fixed at 16; have you any opinion to offer upon that point?—I feel that if the insurance by the Post Office is to be made very successful, a step similar to that which has really been the cause of the wonderful success attained by the Prudential Office should be adopted; the Prudential Office has now 4,800,000 policies subsisting for 44,500,000 *l.*, and the reason of their success is that they insure children’s lives; I know very well what objections there are to insuring children’s lives; but if such a thing were done by the Post Office it would make the Post Office assurances much more popular than they are now.

Mr. Goschen.

793. What do you mean by saying that you are aware of the objections; what objections do you refer to?—The subject was investigated by the Friendly Societies Commission, and gone into rather carefully with reference to infantile mortality. The impression is that if children of tender years are insured, it may lead to their being done away with unaccountably. Therefore in the Friendly Societies Act great precautions have been taken in respect to this. They do not allow insurance to be effected below the age of five to the extent of more than 6 *l.* I think children below the age of 10 are allowed to be insured for 10 *l.* There is that restriction; and certain other restrictions have been made with regard to certificates of death in order to avoid any of those dangers; but if the Government could see their way to effecting insurances on the lives of children, it would become a very popular feature, because the working classes like to make such a provision, and are apt to insure a whole household at a time, father and mother and all the children together, and that is really the

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Mr. Goschen—continued.

the reason why these collecting societies have done such an enormous business.

Chairman.

794. A very considerable number of the insurances in some of the large industrial societies and friendly societies are upon children's lives, are they not?—The industrial and burial societies certainly pay great attention to the insurance of children, but I am not prepared to say that it is the greater part of their business.

Mr. Goschen.

795. Is it habitual with the working classes to insure the children for a sum more than sufficient to cover the funeral expenses?—I cannot say what has been the case before, but they are now restricted under the Act of 1875, and they dare not insure for more than the amount that I have stated. It would be contrary to the Act, and very heavy fines would be incurred if they insured for more.

796. Do you wish to add anything more to your evidence?—I should like to make one or two further remarks with reference to the regulations of the Post Office which are now subsisting. I have here the "Regulations respecting Government Insurances and Annuities, with an Appendix of Forms." These regulations were made originally in 1864. I adverted to some of them in my paper of 1865, which I read before the Institute of Actuaries, and I will now call attention to Clause 8, at page 12: "If the Postmaster General shall enter into a contract on behalf of the Commissioners for the Reduction of the National Debt with the proposer, and shall require the proposer to pay according to age the premiums fixed by the tables for ordinary lives, on the understanding that the proposer is not at the date of the contract following any one of the above-named occupations;" those occupations are enumerated in the clause preceding, viz., butcher, innkeeper, publican, beerseller, sailor or mariner, or "any other occupation which shall seem likely to be attended with special risk." Then the clause goes on to say that if at any time he should embrace those occupations, or should go beyond the limits of Europe, or should "enter upon active service as a soldier, he shall give notice accordingly to the Postmaster General, and the Postmaster General shall, if he think fit, require the proposer or contractor to pay such premiums, in addition to those paid or payable under the contract, as shall be necessary to cover the additional risk, or shall require the surrender of the con-

Mr. Goschen—continued.

tract; but if the proposer or contractor does not give such notice to the Postmaster General, or if he shall die by his own hands or by the hands of justice, then all the premiums which he shall have paid or shall afterwards pay under the contract shall be forfeited, and the contract rendered absolutely null and void." I think that this clause involves a hardship, and that it may prevent insurances being effected through the Post Office. I think, as a matter of fact, in the case of the ordinary insurance companies, if the insured life embraces a hazardous occupation, except military or seafaring, he would not forfeit his contract. I have made inquiries as to the practice of the Post Office, and practically I believe this clause is not acted upon by the Post Office. It would be just as well, therefore, if the rigour of this clause would be somewhat mitigated.

Mr. Brand.

797. With respect to that one point regarding suicides, can you give us information as to the practice and experience of societies?—The practice of many societies is, that after the lapse of a year, or three years, the policy would not be voided by suicide; and some such regulation might perhaps be introduced into the Post Office arrangements also. Of course, if the policy has been assigned to a third person, then the policy would in no case become cancelled by the suicide of the insured life. I do not know whether that holds in the case of Government contracts or not, because there are difficulties in assigning these contracts.

Chairman.

798. You have mentioned some suggested alterations to Mr. Chetwynd and Mr. Cardin, have you not?—I have seen Mr. Cardin upon the subject.

799. Any other suggestions which you can make to us at the Post Office, if not before this Committee, we shall be glad to receive?—Then I will merely, without taking up the time of the Committee, advert to Clause 13, as to reinstatement of contracts, which have lapsed by non-payment of premium, and as regards the fines which are imposed. If the insured has omitted to pay within the four weeks, he is fined rather heavily; after four weeks the insurance lapses altogether. Assurance companies allow a year for reinstatement; but I will avail myself of your permission to confer on this and other matters with Mr. Cardin.

Mr. FLETCHER NORTON, was called in; and Examined.

Chairman.

800. I BELIEVE you do not hold any official position, do you?—Not now; I used to be the Superintendent of the Life Department in the English and Scottish Law Life Assurance Office, and I retained that situation for 20 years.

801. You have taken a great deal of interest in encouraging all schemes of thrift among the poor, have you not?—I have taken a very great deal of interest, and have written letters to the

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Chairman—continued.

Post Office authorities, advocating my views with regard to the encouragement of thrift.

802. As I understand your scheme (and you will be kind enough to explain it to the Committee), you propose to work it very much as Mr. Cardin has suggested, through the savings bank; but the prominent feature of your scheme is, is it not, that upon a sum deposited in the savings bank for the purpose of effecting a policy of insurance,

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Mr. NORTON.

[Continued.]

Chairman—continued.

surance, you should, as a sort of bonus or premium to encourage insurance, allow twice as much interest in the first year as you would upon an ordinary savings bank deposit?—That is my view of the matter, in order to encourage your depositors to insure their lives. You have a very large *clientèle* with regard to your depositors in the savings bank; and my opinion is, that in order to encourage them to insure their lives, there should be some extra interest placed upon the payments they make for the premium; you may either call it interest, or you may call it a bonus on the premium. I would suggest 5 per cent. bonus being allowed on each completed annual premium that they pay for their life insurance.

803. From what fund would that come?—From the life assurance fund.

804. That would render it necessary, would it not, to make the tables somewhat higher; the money must come from some source?—In my opinion it would not necessitate that; the tables that are already published by the Post Office are amply sufficient.

805. You think they would bear that?—They are amply sufficient to bear that.

806. Is there any other feature of your scheme that you would wish to describe?—I merely wish to say that with regard to the depositors, they should have only one book; they have a deposit book, I take it, now, and they also have a book for entering payments of premium on insurances; I would suggest that one book should suffice, and that the premium, in order to make the payment as light as possible, should be made by instalments either weekly, fortnightly, or monthly, and that the amounts should be carried to the debit of their account in their deposit book.

807. It seems to me that the working of your scheme is very much the same as that of Mr. Cardin's; you have not heard his evidence?—No, I have not.

808. Is there any other feature of the scheme you suggest besides using only one book and doubling the interest in order to encourage insurance?—In order to encourage insurance by depositors, I may remark upon the regulation that you have with regard to lapsed policies in the Post Office. According to your rules you cannot recover any surrender value of a policy until it has been in force for five years. It is a very hard case for a man who has paid his premium, say for three or four years, that all those premiums should be forfeited; perhaps he has had very great difficulty to contend with in order to pay them, being a poor man; and it is very hard that all the payments he has made should be forfeited because he is unable to meet the fifth year's payments.

809. What is the practice in other societies; for instance, the English and Scottish Law Life Assurance Company?—In the English and Scottish Law Life Assurance Company it is after three years.

810. Would you propose to make it three years to the Post Office or less?—I propose to be more liberal than that. I propose that even after the first year's premium the assured, supposing he could not keep up his policy, should have a paid-up policy for the amount of pure pre-

Chairman—continued.

mium which he has paid for that insurance. In all premiums there is the pure premium, and the "loading" to that premium (a margin made for expenses, &c.), which is generally between 20 to 30 per cent. on policies "with profits," and less on policies "without profits." I suggest that that pure premium should be made into a single premium to pay for a paid-up policy. For instance, if a man insured his life for 100 £, and he paid 3 £ a year premium for it, and after two years he was not able to pay the premium, the policy would lapse. According to your rule the 6 £ that he has paid is forfeited. My idea is that 4 £ out of that 6 £ should be applied as a single-payment premium to a paid-up policy. Supposing his age was 30, the 4 £ would represent a paid-up policy for 16 £.

811. Then you would not return him the money?—No, I would not return him the money.

812. You would simply buy, as it were, a paid-up policy for him?—I would simply buy for him a paid-up policy. He would be sure to come again and insure his life when his funds were better able to afford it. Nor would he go to his friends, disgusted with the idea of insurance, and say: "What is the use of insurance?" "What is the encouragement I gain for thrift when all the premiums that I have scraped together are forfeited now that I cannot afford to pay any more?" The "sting" which is at present connected with assurance would then be taken out of it. There certainly is a "sting" in life assurance now on account of these regulations, and that "sting" should be effectually drawn, in order to encourage thrift and induce people to insure their lives.

813. It is done to a certain extent in annuities by having two different forms of tables, one which is called returnable, and one not returnable; your scheme would provide for returnable premiums, would it not?—I should make it on the same premium as it is now.

814. Have you formed any opinion about the Post Office tables; have you compared them with the tables of other societies?—I have.

815. What do you think of them?—I think them extremely fair.

816. Do you think they are sufficiently high to bear, as it were, this extra strain upon them?—Certainly.

817. You are of opinion that there is margin sufficient?—My opinion is that there is a good margin to bear this strain of extra interest.

818. Have you any opinion with regard to the present minimum and maximum of insurance which is allowed to the Post Office, which minimum is 20 £; do you think that is too much, and that it ought to be lower?—My opinion is that you ought to go as low as 5 £.

819. Or even lower, if practically you could do it?—Not lower, because it would be too expensive; with the cost of machinery of making out the policies, and every thing connected with it, it would not be worth while.

820. If a plan could be hit upon to diminish the expenditure, by working it through the savings bank, in principle there would be no objection; you simply look upon it as a matter of expense,

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Mr. NORTON.

[Continued.]

Chairman—continued.

expense, as I understand?—Simply as a practical matter of expense.

821. Have you any opinion about the 100*l.* maximum?—That is rather a delicate question.

822. If you would rather not answer as to that, I will not ask you about it?—I should be happy to give you my opinion; it would clash with the insurance offices, supposing you gave an unlimited amount.

823. Supposing we stopped at the limit of the friendly societies, and allowed a policy up to 200*l.* and no more, that is, if we made the maximum 200*l.* instead of 100*l.*, as it is now, what would you say?—Considering the average amount of each policy in the usual insurance societies is between 450*l.* and 550*l.*, I think that that margin of 200*l.* is reasonable.

824. Have you any opinion with which you can favour the Committee with regard to insisting on medical certificates for insurances for small amounts?—I have read the Post Office rules with regard to insurance certificates; I do not think I can make any suggestions with regard to that matter; I think they are fair.

825. Is there any other point you would like to bring under the notice of the Committee?—I merely suggest that when depositors insure their lives, that the amount of premium should be transferred to the "debit" of their deposit account; that would save enormous expense in collection. Perhaps you are aware that the cost of collection in small insurances is very large; it amounts to something like 9*s.* in the pound, and the expense of that 9*s.* will be obviated by this scheme, by merely transferring a certain sum weekly or monthly to the debit side of the account, by the Post Office officials; it would save all the trouble and cost of collection. My object in making this suggestion was to prevent poor people from being, as I may say, "fleeced" of nearly half the money they wish to save.

826. In fact, out of every 1*l.* that they pay in in insurance, 9*s.* goes towards expenses?—Between 8*s.* and 9*s.* goes towards expenses.

Mr. Sclater-Booth.

827. Do you consider that the question of deferred annuities is still more important in the interest of the country generally than the question of insuring life?—I think the question of insurance of lives is of more importance than deferred annuities.

Lord Edmond Fitzmaurice.

828. Why?—Because a deferred annuity is for the benefit of yourself, but the insurance of lives is for the benefit of the future generation.

829. That is a moral consideration, but I am looking at it from the point of view of the good of existing people. A deferred annuity prevents a person becoming a pauper during his own life, and becoming a charge on the rates; but an insurance does not?—But if that person died before he received that deferred annuity, his wife and family would be left penniless.

830. I cannot see that the insurance is of more

Lord Edmond Fitzmaurice—continued.

importance than the annuity. You might say that they were equally important, but I cannot see the superiority of the one over the other?—My opinion is, that the insurance, both morally speaking, and as a subject of political economy, is much more important than a deferred annuity.

Mr. John Holland.

831. Have you any proposal to make with reference to the deferred annuity; I suppose, from what you say, you have not any special proposal to bring before us on that point?—I would merely suggest that the rates of deferred annuities on the returnable scale should be modified. I think they are rather too high. I think that they could easily be reduced 10 per cent.

832. How do you come to that conclusion; do you compare them with other tables that are known?—I have compared them with other tables, and I am sorry that I have not got the returns with me.

833. Are you aware of the valuation that has been made of the deferred annuities, and which the Committee had before them when Sir Rivers Wilson was examined?—No.

834. That shows that there is a loss on that fund; a loss which is insignificant, but still there is a loss. I will read you his evidence upon that point. The Chairman says, at Question 505, "I am sure the Committee would like to hear it" (referring to figures). Then Sir Rivers Wilson says, "you will understand that the fund is treated as a single fund; but I will give you the figures separately on the side of the liabilities. Mr. Finaison, who is the actuary of the National Debt office, and upon whose valuation we make the return to the Treasury, states that the liabilities on account of deferred annuities for the five years are 96,000*l.*; the assets on account of the deferred annuities fund being 93,485*l.*, showing apparently some small loss upon that fund." You were not aware of that?—No, I was not.

835. Do you think that would modify your opinion?—Upon such high authority I think it would.

836. But still your opinion was formed on a certain comparison, was it?—My opinion was formed on a certain comparison with other tables. Your tables on the returnable scale being higher.

Chairman.

837. I understand that you have been the actuary of the English and Scottish Law Life Society; therefore yours would be, as it were, a professional opinion?—Certainly.

Mr. Brand.

839. You were the actuary of the office, do you say?—I was Assistant Actuary; and I have also been an Associate of the Institute of Actuaries at the time that Institute was established. I was elected about 30 years ago.

839. Have you passed the various examinations which are necessary?—No, I was elected an Official Associate.

Tuesday, 14th March 1882.

MEMBERS PRESENT:

Mr. Brand.
Mr. Duff.
Mr. Fawcett.
Mr. Goschen.

Mr. Harcourt.
Mr. John Hollond.
Sir John Kennaway.
Mr. Sclater-Booth.

RIGHT HON. HENRY FAWCETT, IN THE CHAIR.

Mr. JAMES JOSEPH CARDIN, re-called; and further Examined.

Chairman.

840. AT the request of several Members of the Committee I believe you have prepared various tables to show the manner in which business can be done, and the rates at which it can be done; will you put those tables in?—Yes. (*The same were handed in.*)

841. A question was asked you last time you were examined with regard to insurance at special rates; you then expressed the opinion that there were certain lives which were supposed to involve special risk, and which the Post Office did not assure at all. I believe you have ascertained from subsequent inquiry that the National Debt Commissioners furnish special rates for certain lives, but that we have never had any insurances at the Post Office with regard to those special lives; is that so?—With very few exceptions.

842. You can mention to the Committee the class of lives for which special rates are charged, can you not?—Yes; take the case of miners. The special premium charged would be 2 l. 17 s. 4 d. for 100 l.

843. At 30 years of age?—At 30 years of age.

844. Against 2 l. 6 s. 7 d. for an ordinary life?—Yes.

845. So that the special risk in that case is covered by an extra payment of about 10 s.?—Yes.

846. And you can put in the special rates charged for other employments, can you not?—Yes.

847. Perhaps you will mention them to the Committee?—Publicans and butchers are charged at the same rate as miners. Mariners, including fishermen, are charged according to the nature of the service upon which they are engaged. Fishermen would be charged ordinary rates, unless employed upon a dangerous coast, in which case the rate charged would be according to the nature of the risk. (*Table handed in.*)

Mr. Duff.

848. How do you define a dangerous coast; does it include any particular part of the country?—I believe the North of Scotland is considered a dangerous coast.

849. Are those who are employed on a dangerous coast excluded altogether, or are they

Mr. Duff—continued.

charged a special rate?—I believe there have been no applications at all to the Post Office from fishermen in dangerous places. I should explain that in all cases of mariners or fishermen the applications would be referred to the National Debt Commissioners, who would take into account the special circumstances of each case, and fix the rates accordingly. We are not supplied with any rates by the National Debt Commissioners for fishermen.

Chairman.

850. Then does the same observation apply to soldiers?—In the case of soldiers it would be the same. On home service they are charged the ordinary rates, and if they go on active service they are charged according to the nature of the service. If they are at unhealthy stations they are charged at the rate of 3 l. 3 s. at 30 years of age for 100 l.

Mr. Duff.

851. Have you any rates for men-of-war's-men?—We have no special rates for them.

852. Are they charged the same as soldiers?—I take it that they would be charged in the same way as ordinary sailors, according to the nature of the service they engaged upon. If they were engaged upon our own coasting service they would be charged the ordinary rates.

Chairman.

853. With regard to the question of dispensing with medical certificates in certain cases, I believe you have happened to discover an opinion of Mr. Gladstone's, have you not?—Yes.

854. It is very short, and perhaps you will read it to the Committee?—This is an extract from Mr. Gladstone's speech on the Government Annuities Bill, 7th March 1864:—"What I venture to say, and say boldly is this: That although the ascertainment of the value of life in the higher classes of the community is a matter of great subtlety and difficulty, requiring first of all the application of the highest medical skill, and afterwards a jealous scrutiny besides, yet the value of life in the case of a labouring man is a matter of comparatively simple calculation. You have to know three things each of them easily ascertainable. The first is his age, a matter of fact,

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Mr. CARDIN.

[Continued.]

Chairman—continued.

fact, and beyond opinion; the second is his employment, also a matter of fact, not of opinion; and the third, is he a sober man, not a drunkard? These I repeat are the only three things to be ascertained with regard to a labouring man. Of course I do not say that in every individual case you will know the value of the life, but that you will generally know it quite accurately enough to work your tables. Some time ago I had an opportunity of discussing this point with an eminent member of the medical profession in London, himself the consulting medical officer of two assurance offices. I asked him whether that was the case. He said it was, and he used these words: 'In the case of industrial assurances we scarcely look at our medical papers,' thus distinctly affirming the proposition that in regard to the labouring classes the employment and the general character as palpably known to all the world, are in the long run a sufficient and satisfactory test of the value of the lives."

855. I believe you have been present at all the meetings of the Committee, and had an opportunity of hearing the evidence that has been given, and considering it in conjunction with various persons connected with the Post Office, and also of reconsidering the evidence that you formerly gave. I think it would be convenient to the Committee if you would now read a written paper that has been prepared, and which embodies your views, as well as my own, as to the scheme which, as at present advised, the Post Office would like to see carried out. Of course we may change our opinions from subsequent evidence, if any is given, but perhaps you will read the paper, so that the Committee may be in possession of the opinions of the Post Office at the present time upon the whole subject?—"The present minimum amount of 20 *l.* for which a life policy can be issued is far too high, and a minimum limit could be advantageously dispensed with altogether. A much smaller sum than 20 *l.* is sufficient to meet the requirements of working people, who would be glad to be enabled to make a provision which would defray the funeral expenses in the event of the death of a member of the family; also to pay the doctor's bill, and to purchase decent mourning. The maximum amount of a life policy should be increased from 100 *l.* to 200 *l.* By the plan which is now proposed of connecting the insurance business with the Post Office Savings Bank all those who insure with the Post Office would become savings bank depositors, and if the maximum amount which could be insured were kept at its present limit of 100 *l.*, a depositor who had 150 *l.* or 200 *l.* in the Post Office Savings Bank, and wished to devote the interest to effect a policy of insurance, would be unable to do so, because the amount which the interest on that sum would insure would exceed 100 *l.*, and this would, it is felt, be justly regarded as a hardship. It is, moreover, to be remarked, that by existing Acts friendly societies are allowed to issue policies for amounts up to 200 *l.* And the Royal Commission on Friendly Societies, which reported in 1874, recommended that the Post Office should be allowed to issue policies for as large an amount as friendly societies. An exception in regard to the maximum limit should perhaps, however, be made in the case of children

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Chairman—continued.

from 5 to 16 years of age, the maximum being fixed, say at 10 *l.* for children, between those ages. The medical examination could, perhaps, be safely substituted by a period of probation in cases of insurance for sums not exceeding 25 *l.*, for the following reasons: It is understood that after the lapse of a short period ordinary lives and selected lives fall into the same category. The exact limit of the period which would protect the department from undue risk, would have to be determined by an actuary in consultation with the National Debt Office. The working classes object to undergo a medical examination. The expense and the formality of obtaining a medical certificate in the case of insurants for small amounts cause very serious obstacles in the way of small policies being effected. The minimum age of 16 years might perhaps be reduced to five years, because it is understood there is no special risk attaching to the mortality of children from that age which could not be provided for in tables of rates, and because the children of the working classes are now required to attend board or other schools from the age of five years. The supervision thus maintained may naturally be expected to exercise a protective influence over them. The necessity for making a provision to meet expenses attendant upon a fatal illness is as great in the case of children who are under 16 years as of those who have attained that age. The maximum limit of age might advantageously be extended from 60 to 65 years of age. The formalities requiring to be gone through, over and above the medical examination, are needlessly minute and troublesome, and therefore might be reduced without disadvantage. The clerical work connected with the issue of a life policy of small amount might be transferred from the public to the postmaster; a signature to a declaration at the foot of the proposal form being all the writing required from a candidate for insurance. The usual queries addressed to the friends of persons desiring to insure their lives are of questionable utility. The answers are naturally given with a bias in favour of the proposer. The questions to be answered by the postmasters could be framed so as to elicit all necessary particulars. It is a question for consideration whether the principle of participation in the profits of the life insurance business should be adopted by the Post Office, this class of business being very popular. The present minimum limit of 4 *l.* for an annuity should be abolished, and the present maximum limit of 50 *l.* might with advantage be raised to 200 *l.* With regard to deferred annuities of small amounts, it is thought that it would be well to substitute the more popular term of 'Old age pay.' The present mode of collecting the premiums both in respect of life insurance and annuities should be superseded by the use of the ordinary Post Office Savings Bank account, from which account the premiums could be transferred under the single authority to be given by the insurant or annuitant for that purpose. The number of offices at which life assurance and annuity business could be transacted, would be at once increased threefold, and the insurants and annuitants could deposit money at their convenience at any Post Office Savings Bank to meet premiums falling due, instead of

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Mr. CARDIN.

[Continued.]

Chairman—continued.

being compelled as at present to attend at a particular office on fixed dates, to pay in a stipulated sum, or they might by an order once given, devote the interest on their deposits or investments in Government stock to like purposes. The adoption of this plan of conducting assurance and annuity business through the Post Office Savings Bank, would not only materially diminish the expense of each transaction, but would, it is thought, by the simplicity of the method, render this particular class of business far more attractive to the public generally; instead of their being obliged, as they now are, to go to a particular post office to make each weekly or monthly payment, an order once given to use a portion of the savings bank deposit, either to pay the premium on a policy of assurance, or for the payment of an annuity, would work automatically, and would impose no further trouble on the person giving the order. New life assurance or annuity or old age pay tables would have to be prepared, of which two might perhaps usefully show the amount which a single payment of 1*l.* would at any age procure, and the amount of premium necessary to procure the sum of 1*l.* As regards life insurance, tables would be required to meet cases where it might be wished to pay a fixed number of premiums, or to cease the payment of premiums at a given age. In the event of its being decided to adopt the principle of participation in profits, an additional money column would give the necessary information. If the proposals here contemplated were carried out, it would appear that the existing Post Office and Annuity Acts might be repealed, and in their place a simple provision could be enacted, stating that annuities authorised to be granted under the said Acts may be granted to any amount not exceeding 200*l.* to one person, and that contracts for payment on death of any one person may be granted to any amount not exceeding 200*l.*; and with regard to the limits of age for life assurance, a clause could be introduced fixing the minimum limit at five years, and the maximum limit at 65 years; all the other arrangements it is thought could be effected by regulations approved of by the Treasury; thus the minimum amount which it would be practicable to assure, or the minimum limit of an annuity or old age pay, could be carried as low as the cost of a transaction would justify. The importance of keeping post offices open for the transaction of savings bank, money order, and assurance and annuity business to as late an hour as possible in order to meet the convenience of the working classes, is fully recognised by the Post Office, and the hours will be extended as far as may be found practicable."

856. Then in addition to that you will put in a written statement (which is somewhat technical), to show the Committee the exact way in which the transaction is to be carried out through the Post Office Savings Banks, will you not?—Yes, I will hand that in.

Mr. Goschen. *

857. Do I understand you to propose there are to be annuities of 200*l.* a year?—Yes, that is the proposition.

858. Is not that a very large sum; does it not

Mr. Goschen—continued.

represent a point beyond which no one belonging, or approaching, to the industrial class would be able to insure?—It would be rather difficult to say how far they would go, or the particular class of people who would take advantage of it.

859. Do you think there is anyone belonging to the industrial class who at this moment is in receipt of an annuity of 200*l.* a year from savings?—I do not know that there is. It would not necessarily be restricted to the industrial classes.

860. Then what class are you aiming to secure by this very large increase?—No particular class, but any persons who may wish to avail themselves of the opportunity of purchasing the annuities. The National Debt Office issues annuities without any limit, I believe.

Chairman.

861. Under the present plan, taking the limits which are allowed by the existing Post Office Act, it is possible at the present time for a man to have 200*l.* in the savings bank, and 300*l.* invested in Consols, is it not?—Yes.

862. If he liked to devote the interest on those sums to the purchase of a deferred annuity, and then use the capital at 60 years of age to purchase an immediate annuity, he would be able to get an annuity of quite 200*l.* a year, or more, would he not?—Yes.

863. It would, in fact, only represent an annuity of 200*l.* a year, which could, as it were, be purchased by the interest on the amounts now allowed to be invested in the savings bank?—Yes, that is so.

Mr. Brand.

864. The annuity business is not a business undertaken at the present time by other associations to any large extent, is it?—I believe not; I believe the annuity business transacted by private associations is very small indeed.

Mr. Duff.

865. I understand you to say that children should be allowed to insure between the ages of five and 16 for 10*l.*?—For a sum not exceeding 10*l.*

866. Beginning at five years of age, you think?—Yes.

867. You do not think that that would involve any great risk, do you?—We propose it for the reason stated, that those children are obliged to attend Board or other Schools, and there is a certain amount of protection given to them thereby.

Mr. John Hollond.

868. You spoke of raising the limit of the age to 65; does that mean that the "old age pay" should commence at 65?—No, that was for insurance only.

869. You have left the question of medical certificate rather undetermined, I think; you propose to abolish it under 25*l.*, and to exact other guarantees, but you do not say at all precisely what those guarantees are, I think?—It would be by the questions which would be put by a postmaster to the insurant at the time of effecting the insurance.

870. Do you mean that it would vary in each individual case?—No, I take it that one set of questions

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Mr. CARDIN.

[Continued.]

Mr. John Holland—continued.

questions would be framed which would apply generally, and which would be thought sufficient.

871. You have some proposal, have you not, for deferring the benefit for a certain limited time?—The words I used are these: “The exact limit of the period which would protect the department from undue risk would have to be determined by an actuary in consultation with the National Debt Office.”

872. Then, in point of fact, you have not determined that yourself?—No.

873. You do not come before us with any scheme prepared so far as that point is concerned?—No definite scheme as regards the exact period. It is a National Debt Office question.

Mr. Harcourt.

874. I was very glad to hear you say that the Post Office authorities were desirous of extending the hours in the country districts during which these offices may be open; I would ask you if you see any reasonable probability of their being able to do it?—Every office must be considered according to the circumstances connected with the locality.

875. But there is one general fixed rule at present upon which the Post Office acts, and

Mr. Harcourt—continued.

unless that rule were relaxed, it would be impossible to carry out the suggestion?—That question is now under the consideration of the department.

876. But without some relaxation, it would be impossible to carry out the experiment?—It would be impossible.

Chairman.

877. With regard to the cases of lives that involve special risk, there is a little confusion; some Members of the Committee understood you to say that fishermen who were employed not on dangerous coasts were insured at the ordinary rates, and fishermen who were employed on dangerous coasts were charged a special rate?—Yes.

878. But one honourable Member thought that you said they were not insured at all?—I said that there had been no applications for such insurances; they would be charged at a special rate.

879. If they were willing to pay the special rate, they would be accepted?—Yes.

Mr. Duff.

880. No class is excluded altogether?—No class is excluded altogether.

Tuesday, 21st March 1882.

MEMBERS PRESENT:

Mr. Brand.
Mr. Fawcett.
Lord Edmond Fitzmaurice.
Mr. Harcourt.
Mr. Mitchell-Henry.

Mr. John Hollond.
Sir John Kennaway.
Lord Lymington.
Mr. Sclater-Booth.

RIGHT HON. HENRY FAWCETT, IN THE CHAIR.

The Reverend WILLIAM L. BLACKLEY, called in; and Examined.

Chairman.

881. You wish, do you not, to tell the Committee of the advantages which you think would result with regard to the insurance and annuity business of the Post Office in the use of a special stamp?—Yes.

882. Will you kindly describe them?—My idea would be this: at the present time, we have a very large business indeed, done by what are called Burial Societies, who insure a small life policy, averaging about 8 l. to the number, as I understand now, in one single society, of 4,000,000 policies. They insure them by weekly payments, which are collected by collectors from week to week, in sums ranging from a penny a week upwards. The consequence is, that they are obliged to spend a vast deal of money in the expense of collecting those weekly payments.

883. I do not know whether you have seen any report of this Committee, but you are aware, perhaps, that proposals have been laid before us, to enable us to collect small premiums through the Post Office Savings Banks?—No; I have not yet seen that.

884. It would enable us to collect the premiums both for policies of life insurance and for annuities under the form of postage stamps; and I should be glad if you would tell the Committee whether you think that any advantage would result from the employment of a special stamp instead of a postage stamp; because under the plan which is now proposed, there would be no difficulty whatever in collecting the premiums in the form of stamps?—At the present time, this insurance which is effected with other societies is done, not by leaving people to come to the office and make insurance, but by going to their houses and pressing them to insure.

885. That raises another question with regard to the advantages of personal collection; but what I want particularly to direct your attention to, is with regard to the advantages, if any, which you think would result from the use of a special stamp instead of an ordinary postage stamp?—I think that the advantage would lie in inducing a great number of poor people to insure with the Post Office, who otherwise would insure with other societies.

886. Why should a person for instance, who

Chairman—continued.

could pay 3 d. a week to the Post Office Savings Bank, consider it more desirable for him to pay it in the form of a special insurance stamp of 3 d. than in the form of three penny postage stamps, which he may get from any village shop?—Because the insurance would be vastly cheaper for himself.

887. Will you excuse my saying that I think you scarcely understand my point; I am considering now the Post Office insurance, by means of special stamps or postage stamps; my proposal is, that they should insure by postage stamps; it would not be cheaper, would it, to insure, by the party paying a threepenny special stamp than it would be to insure by buying three penny stamps from the Post Office?—It would not be cheaper, but a great many more people would insure.

888. Why should that be so?—Because the having a special Post Office insurance stamp would enable the Post Office functionaries to push the sale of those stamps without any cost or trouble, and to bring it to every one's door, instead of the man going to the office or a shop to buy it.

889. Supposing it were possible to employ letter carriers and others as agents, if they were paid by a commission on the business done, why should it be more advantageous to them, for instance, to sell special stamps than it would be to sell postage stamps for the purpose of insurance?—The answer is this: At the present time a letter carrier is required to carry postage stamps and to sell them in exchange for pence; and he receives, say on a pound's worth of postage stamps, the commission; I am not sure, whether it is 1½ d. or 2 d.; but in the case of a postage stamp, the letter carrier would have no interest beyond what he has in selling stamps now; but if it were thought necessary to push those savings insurance stamps, he might be allowed even as much as 1 s. discount in the £., on what he sold; and that would make it a very strong object for him to recommend the purchase of those stamps.

890. But supposing it were decided to allow the letter carrier a commission on the insurance and annuity business which he did, there would be no difficulty, would there, in ascertaining what

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[Continued.]

Chairman—continued.

what amount of business he did, and the point which I want to get at is this: what advantage would there be, supposing you allowed him 1 s. in the 1 l. as commission on his selling special stamps instead of postage stamps, provided, as you say, he should receive a commission?—It is not that I want to benefit the letter carrier, but I want to benefit the people; the people would then, instead of having to go to the Post Office, which may be a mile or two miles from them, have the letter carrier, who passes their homes every day, bound to have the stamps about him, and he could push the sale of them, and in consequence of that would effect a great many more insurances.

891. All that seems to me to bear upon the question of allowing letter carriers to do the business, but not on the question of whether the business is to be done by special stamps, or by postage stamps?—The answer to that is simple; that I believe there would be 20 times the amount of business done.

Mr. Sclater-Booth.

892. What I understood you to say was, that the Post Office can afford to give a larger proportionate commission on the sale of insurance stamps, than it could on the sale of postage stamps, and that by giving the letter carriers the insurance stamps to sell, a self-acting and self-adjusting system of account would be instituted, and at the same time be an inducement to the officer to sell as many as he could?—Exactly so; at the present time he can only sell what he is asked for for letters; of course, he might sell more if he were asked for a penny stamp for insurance; but in the other case, it would be his interest to solicit purchasers. I may mention, that in New Zealand, it is done by that means.

893. Whereas if the insurance is to go on by means of the ordinary postage stamps, you must provide for the commission of the letter carriers in some other way?—Exactly so; instead of making the insurers pay whatever the ascertained cost of selling the stamps might be.

Chairman.

894. If you could hit upon some plan, which I think would not be at all difficult, of ascertaining what amount of business was done by the collecting forms, you could have no advantage in using the special stamp as distinguished from the postage stamp, and your advocacy of it is on the ground, that you think that the use of a special stamp would enable the letter carrier more easily to receive a commission, and therefore be more interested in the insurance business?—It is not only that; what I mean is this: that if you leave the insurances to be effected at will by the people in the Post Office, they will not go to the Post Office; but if you provide a means whereby the insurance comes to their door day by day, they will effect an insurance; because we find that at the present time, apart from the fact that it does not provide a low enough rate, the Post Office, practically, is an utter failure as regards industrial insurance, whereas a society that only gives people 5 l. benefit, where the Post Office could give 7 l. 10 s. benefit, succeeds exceedingly well. But it succeeds entirely from

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Chairman—continued.

this fact, that the agents go to the very door of the people, and are persistently calling upon people every week of their lives to pay a certain sum without the necessity of their continual walking every week to pay their insurance, and it might be the interest of those collectors, if they were letter carriers, to induce people to buy stamps, and to induce people to make insurances, and moreover to keep those insurances up.

895. The great value which you attach to the use of a special stamp is that it would enable the Post Office easily to carry out the system of personal collection?—Precisely so; that is one reason; but another and a very important reason is, that by having a special insurance stamp, a great deal of the theft of stamps would be saved. There is a great deal of dishonesty with regard to that at the present time.

896. That is often stated; but are you aware that we have received over 24,000,000 stamps in the form of savings bank deposits at the present time, and that we are receiving them at an increasing rate now, and that more than 500,000 new accounts have been opened by means of these stamp forms, and yet there has not been one single complaint of theft; and that in very numerous cases in which the stamps are marked, if the stamps were stolen, in some instances at least, it would be likely to be detected; and that in the case of those 24,000,000 stamps, although every one of them had been carefully examined, there has never been found a marked stamp, but in one instance, put on any one of the forms?—I think there is a very reasonable answer to that. In the first place no one would put a marked stamp on at all, and therefore it would not be detected.

897. But you can mark stamps so very easily that a person who passes one of them, although it might be detected when the mark was pointed out, would be quite unconscious that this stamp was marked?—There is another reason why there are no complaints made to the Post Office, that persons, when something is stolen from them, do not go to the Post Office to complain of it, they go to the police court to complain. The system of penny savings' stamps is most admirable, but there are temptations to steal pennies, and it is impossible for people to follow them and trace out where those pennies go; whereas if there was an insurance stamp, which would not be interchangeable, given you, it would be a very great protection. Besides that, a person might write his name across the insurance stamp, and it would be perfectly inalienable, and it could only be applied to insurance purposes.

898. Then your remark as to the use of the postage stamp would extend to the use of a special stamp for savings' bank purposes?—I should not say necessarily, as I also advocate a savings' stamp, and I think it would be exceedingly valuable, because you see the enormous and practical value that it would be; for supposing any one of us (and I am sure we all wish to inculcate habits of thrift and providence) wished to give a little reward to a boy or a girl, if we can give him a saving stamp for 1 s. or 2 s. 6 d., this saving stamp must be passed into the Post Office account, and therefore he would be less likely to spend it, and

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[Continued.]

Chairman—continued.

the parent or the relation who wanted the money given to him, sometimes for drink, would not be able to take that saving stamp. But that is a different point from the insurance stamp. There would be an enormous advantage in having a special insurance stamp of the same values as the saving stamp.

899. Could you kindly favour the Committee with any other suggestions which you wish to bring under our notice?—I think these are the chief points which I wish to put forward, as to the possibility of an insurance stamp.

900. As I understand from a remark which you made just now incidentally, you are in favour of the present minimum limit of insurance annuities being reduced?—Most certainly.

901. Have you ever considered, if not, I will not press the question at all, but I know you have devoted a great deal of attention to the subject, and therefore I would ask you whether you have ever considered the question of medical certificates with regard to insurance for small amounts?—Yes, I have; I think I could say something with regard to it. I should make the medical certificate an optional thing, that is to say, if a person wanted to be insured without a medical certificate, the insurance should cost him more. There is no question of its being a matter of economy with regard to the certificate, because a person who does not give some security of good health ought to pay more, that is one thing. And another thing is very important, that if we had advantage given to insurers who showed a medical certificate, the effect would be to induce a greater number of poor people to contract for medical assistance by joining a provident dispensary, because then they could have their certificate for nothing whenever they required it, which otherwise they would not have, and therefore that might be a great advantage. And I think the advantage might be greater still in this way: an insurance contracted for without a medical certificate cannot possibly be an immediate insurance, because a person in bad health may desire to make an insurance immediately for payment, and it would be impossible to carry on any scheme on such terms; therefore there must be a certain space of time allowed after the insurance is effected before the person is, so to speak, to come into the benefit of the insurance. If a person presented a medical certificate, he would, at all events, be a person of thrift who would probably, in most cases, belong to a provident dispensary, and could produce a certificate without any expense, and therefore could immediately come into the benefit of the insurance, whereas a person who could not do that, must be kept waiting a certain length of time. In the Prudential, for instance, if a person insures, and that person dies within six months, the survivor gets only a quarter of the money, and if he dies within the year, I think he gets only half the money and so on, and he gets the whole after a year. On the other hand, I am perfectly convinced, and I know from my own experience, that the Prudential insures a great many utterly bad lives, because they do not profess to investigate the lives with anything like strictness.

902. Would you make the plan of optional medical certificates apply to insurances for large

Chairman—continued.

amounts or only for very small amounts?—I think for the smaller amounts. It is for the sake of the poor that we want to induce them to get a cheap and safe investment. I should say insurances up to 10*l.*, that would be sufficient I think.

903. Have you considered the question at all of sick pay?—Yes, but in a different line altogether.

904. Have you considered it as connected with making the Post Office undertake sick pay?—I certainly have considered it, and I am very strongly in favour of it, but only under certain conditions, which perhaps I may be allowed to mention. The idea of the Post Office undertaking sick pay I think can only be carried out on condition that you insure every one, and that you shall have some way of supervising their sickness. If you had voluntary sick pay in the Post Office, you would have this great difficulty, that perhaps at one office you might have only one, two, or three contributors, and you have no way really of finding out whether those people are sick or shamming. There would be no supervision possible where only a few people were concerned. But what I propose would be to make everybody insure in that way, so that everybody, more or less, would not only be a safeguard, but would have an interest in safeguarding the general delivery of the funds.

905. That would be the operation of it?—Exactly so; but however desirable it might be to make the experiment, I do not see the practicability of generally establishing a Post Office voluntary sick fund. I do not think that the principles would be secure, whereas the compulsory measure must be perfectly secure.

Mr. Slater-Booth.

906. It has been said, to go back to the point which the Postmaster General was upon, that the poor are very easily deterred from insurance or from any such provident practice by trouble, or by expense, or by time being taken up, and I suppose on that account it is, that you would advocate that the medical certificate should to a certain extent be dispensed with?—I think not. I think it is chiefly a question of cost, and therefore I think those people who belong to a provident dispensary should have the advantage of their thrift in not having to incur any expense in proving their health at the Post Office.

907. How is the medical certificate paid for at those provident dispensaries?—Generally there is a contract either for 4*s.* or 5*s.* a year for all attendance and all certificates and all medicine.

908. There must be some trouble and inconvenience attaching to the insurance of a poor man, because there must be some evidence as to his age, must there not?—Unquestionably that ought to be taken, and in the Post Office scheme it must be taken. On the other hand, the payment that I would suggest under an insurance stamp would only require to be made once a year at the Post Office.

909. You wrote an article in the "*Contemporary Review*," advocating the institution of this special saving stamp; it was not for the limited object stated by the Postmaster General, but for some general object that you advocate the stamp

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[Continued.]

Mr. Sclater-Booth—continued.

stamp?—It was a saving stamp for all the savings, so that slips might be arranged for the saving stamps, and I suggested further an insurance stamp for providing those small insurances for the poor, while saving the Post Office the vast number of transactions which load the insurance so immensely.

910. We know very well that you have devoted a great deal of time and attention to the subject of the savings of the poor, and I think the Committee may take it from you, that you have had large opportunities of inquiring and informing yourself as to the relations between the poor and the different systems that there are in existence for savings of different kinds; not only county friendly societies, but local village benefit clubs, and also insurance societies, such as the Prudential and others?—Yes.

911. You have also, I may assume, made yourself acquainted with the facilities which the Post Office is increasingly affording for savings of small amount?—Yes.

912. Then you look forward, as we know you are a sanguine man, to a vast development of the facilities given by the Government through the Post Office for savings of all kinds, or particularly of what kind?—Do I understand you to ask what my opinion is of the effect hitherto of the Post Office aids to thrift?

913. Yes, with the possibilities of future extension, which you see before you in various directions, under the various heads of savings?—Yes, in the one direction of insurance, I think, I may mention what I have said. I think if the Post Office were to take out or obtain some such business as the Prudential, it would practically save the working classes at the present time, who are making those small insurances, no less than 700,000 *l.* a year, through the operations of one single society. So that besides cheapening it in that way, it would give to the poor a life insurance of 7 *l.* 10 *s.* instead of 5 *l.*, for the same payment as at the present time.

914. You are then an advocate for a great development of the present system of savings invested through the Post Office?—Certainly, in every respect, either by the Post Office, or in any other way.

915. In what particular department do you consider that there is most promise of public usefulness?—As you say, I am a sanguine man, and I should say in the acceptance of compulsory insurance against pauperism, for I believe that is the most useful thing of the kind that can possibly be conceived.

916. I understand you to mean the payment of a lump sum in early life, securing a deferred annuity to be enjoyed in after life?—Yes.

917. I do not want to lead you into any explanation of the plan that we know so well as the compulsory system of insurance, but apart from that, assuming that to be an object to be aimed at hereafter; do you think that the Post Office might immediately set to work, generally, to stimulate the practice of insurance against old age by means of immediate payments in a lump sum?—Certainly; but I am afraid I could not expect very much from that at the present time, failing the proper education that is necessary for the purpose.

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Mr. Sclater-Booth—continued.

918. Or compulsion?—Of course, I am speaking apart from compulsion, because the knowledge is so very small upon that point. People have no knowledge of the comparative rate of investment or anything else, and it is impossible to expect much from them unless by the development of a system such as we are at present considering of some sort of insurance, teaching people to be more and more thrifty.

919. Your view was, that if National insurance was universal, the payment of 10 *l.* between the ages of 17 and 21 would be sufficient?—I have no doubt whatever of that.

920. Have you formed any conception of what you might reasonably expect to arrive at by means of the voluntary system; what sum in money between the ages of 17 and 21 would produce an appreciable income for a man above the age of 60?—I have not the calculation at the age of 60; but when proposing it, I gave 8 *s.*, through life undiminished by length of sickness, that is to say the 8 *s.* for life would go on; he might have a life-long sickness, during which the poor man would be prevented from earning wages. Then there would be an insurance annuity of 4 *s.* a week after 70 years of age; this, on the Odd Fellows tables, the Manchester Unity tables, at the present time, at an investment of 4 per cent., would cost 14 *l.*; at an investment at 3½ per cent., it would cost 16 *l.* 7 *s.*

921. Up to what age?—Beginning at 16, and paid up at 21, and receiving sick pay the next day if necessary; my idea was, a sum of 10 *l.* paid by a man at a certain birthday, or the day before, or collected by that time, would insure him by the Manchester Unity tables the proposed benefits at that cost.

922. Do you think, then, that the Post Office, with its superior machinery and organisation, and its universal existence throughout the whole of the villages of the kingdom, could do it at a cheaper rate?—I think not, on any voluntary system; we must allow something for management. It is very probable that, when tried, it would be found to work a great deal cheaper, because there are other reasons for cheapening it. That is very probable, but I do not urge its being tried on any system that would come at all short of that.

923. In the case of the Manchester Unity tables, there is a combination, is there not, of sick pay and deferred annuities?—Yes, those two objects.

924. Do you consider that that is the best way in which the voluntary system could be attempted through the Post Office. I suppose I may take it that the anti-pauperising effect of insurance is most readily to be got by deferred pay?—I think not; for anti-pauperising in old age it is so, but it will not prevent a man being a pauper in middle life by his having made a payment promising him a pension when he gets old.

925. Perhaps I draw a distinction that you would hardly recognise, that pauperism in old age, which implies relief from the rates continually from week to week, is a more debasing thing than the pauperism which arises from occasional sickness?—I should not admit that in principle for a moment.

926. Therefore you would not see any advantage in establishing the system that you have

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Mr. Sclater-Booth—continued.

been describing by increasing the temptation in the way of an annuity, leaving out the contingency of sick pay, which is so difficult, as you say, for the Post Office to manage?—I think it would be an enormous advantage first to secure people a pension in old age, because then they would feel something really left upon themselves, and they would provide for sickness.

927. That is one thing which the Post Office might do at once, leaving out the question of sick pay for the present?—Yes, I should say that it would be an enormous public benefit.

928. Looking at it from that point of view, the figures which you put do not seem to be very alarming as compared with your own plan of 10*l.* payment?—No.

929. Because for 14*l.* 10*s.* altogether, I think you say, those annuities are already given by the Manchester Unity tables?—Yes, they are offered; they are not accepted.

930. According to those the age at which an annuity begins to operate is 70 rather than 60?—Yes.

931. Let us suppose for a moment that the age were 60 instead of 70, and that sick pay were omitted; may we assume generally that you think that the 12*l.* or the 14*l.* 10*s.* would be sufficient to secure a pension of 4*s.* a week from 60 years of age?—I could not say that without looking at the tables; Mr. Cardin tells me that a lump sum of 16*l.* 12*s.* paid down at 21 would secure a pension of 4*s.* a week at 60 years of age.

932. Do you think that if the advantages to be got were stated in a very simple form in the savings bank books, that would not be a useful mode of advertising the scheme, and bringing it home to people's knowledge?—I think it would be very useful. I think, perhaps, the Postmaster General's own little book, on "Post Office Aids to Thrift," would be as useful as anything; but I do not myself see that, at the present time, there is very much hope of insuring our young people by merely making known such a provision, that if they go to the Post Office they may by paying a lump sum provide for a pension at 70, because they look upon 70 as an unattainable distance of time.

933. I am rather assuming that it should be 60, and that the lump payment should be spread over several years, from the age when a young man begins to work until he is 21?—I think that such a scheme as that would be of greater value if employers were induced to invite those whom they employ to allow them to make a deduction from their pay. In many instances, gentlemen have suggested it to their working people, and those who have acted on it have been very thankful for it.

934. That was mentioned in the general plan, I think?—Yes, but on my general plan of compulsion it would be absolutely necessary.

935. With regard to the question of insuring for a sum of money at death, have you formed any judgment as to the amount to which it might be expedient to reduce the sum payable?—I should say not below 5*l.* There are smaller insurances effected, but practically, they are of no use at all, excepting to the undertakers. The money is all spent on the funeral.

936. Is it not your opinion that it would be expedient in the public interest, to lay much

Mr. Sclater Booth—continued.

more stress upon the expediency of the deferred annuity than on the death payment?—Unquestionably, because those small insurances really are only for funeral money, and I think they are only effected, because the greater part of the poor people who make them, have no security of anything otherwise, and a sum of 3*l.*, 4*l.*, or 5*l.*, in cash, is something within their reach to provide for, as it saves them from the supposed humiliation to their families of their being buried by the parish; but it is of no value while the man is living.

937. It has very little or no anti-pauperising effect?—None whatever.

938. But the other would have an immense anti-pauperising effect?—Enormous.

939. Has it come within your experience at all, to find people who want to save to a greater extent than the Post Office now permits in the way of a death payment?—I have met with such people, but I think they might be left to the usual methods. I do not see any particular advantage in it.

940. Assuming that there was no question of taking over the business done by the Prudential or any other private association, do you think that with the great field that the Post Office opens out, the work will probably be stimulated and carried forward with energy so as to do a vast deal of good irrespective of the question of contingencies?—Quite so; there was exactly the same field when the Prudential itself was established.

941. Then, generally, you have formed a very high opinion of the contingent advantages which the Post Office may hold out to the poor?—Yes; I think this, that with their ubiquitous machinery, they can do all these things and do them at the cheapest rate.

942. You have observed a great development of Post Office aids to thrift during the last 10 years, have you not?—Yes, certainly.

943. And you think that we are only at the beginning of it?—I hope so.

Mr. Mitchell Henry.

944. In the earlier part of your evidence, I understood you to express an opinion, or to hint an opinion, that it might be desirable for the Post Office to avail itself of the medium of existing societies for collecting their premiums; that is to say, the societies which give sick pay?—No, I do not think that I have considered that; I do not think at all of the Post Office availing itself of the machinery of any of the existing societies to collect insurances.

945. Or to collect premiums?—No.

946. Do you think the machinery of the Post Office, if adequately worked as you have suggested through the medium of the rural letter carriers, would be sufficient?—Yes, I think so.

947. With respect to post offices being open to a later hour at night, do not the poor transact their business, or would they not wish to transact their business, late in the evening after they return from work?—I think the answer to that is that the agents of the present societies all do their business in the daytime. The insurance societies do their business in the daytime. The clubs have their meetings

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Mr. Mitchell Henry—continued.

meetings in the evening, that is to say, clubs for sick pay, but there are very few for pension of any sort. Even the great organisations and affiliated orders have hardly any people paying in for old age pensions at all.

948. Then do you think that if the rural letter carriers were thoroughly used for insurance purposes it would not be necessary to make any alteration in the hours during which the post offices would sell stamps?—Certainly not; because my suggestion is that the post offices themselves would only be used once in the year, or at most four times in the year, by the people who make those life insurances. One single transaction in the course of the year would be sufficient.

949. The point about the medical certificates is a very important one indeed; if you contemplate dispensing with medical certificates, you must necessarily, I presume, have two classes of insurance?—Yes, unquestionably.

950. But you do not propose to meet that by refusing to give any payment on death; if the death occurs within say, six or twelve months, you would always pay something?—That would be one form of modifying it; but practically, I think, the better plan would be to allow no payment; or perhaps a quarter, say possibly a single pound might be given if the person insured died within a year, and after that the full sum; but then the Post Office also should calculate not only the interest of the money for one year right forward, but they should also calculate the badness of the life, because they are taking presumably bad lives, and they should make a higher scale of payments for that.

951. Then the effect of that, you think, would be to stimulate their taking care to get medical certificates?—Yes.

952. You ought to be very careful how you take bad lives?—Precisely so; they ought to be made to pay the cost of their bad lives.

Lord Edmond Fitzmaurice.

953. How do you propose that the insurance stamps which you suggested just now should be sold by the itinerant postmen should be returned to the Post Office, by letter, or by the postmen themselves?—On slips such as are already in use; the Post Office savings slip of some sort, or any small card would do which they might be provided with, and send in a statement each time of payment, which they may hand to the letter carrier.

954. And that you would allow, like the existing penny slip, to be sent in by any person?—Yes, by any person; having the name of the person paying it in written across the stamp, which would limit the application of those stamps to that one particular person's insurance policy.

955. The existing penny slip, if I understand rightly, can be sent in by any person?—Yes, by any person.

956. I believe you have elsewhere suggested that the name of "deferred annuity" should be changed into the more familiar phrase "old age pay"?—Yes, or "pension."

957. I suppose you do so on the ground that a long Latin phrase, like "deferred annuity," conveys absolutely nothing at all to the mind of

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Lord Edmond Fitzmaurice—continued.

people who have been brought up to speak only the English language?—Certainly; it frightens them.

958. I suppose that you would anticipate a serious increase of business from that apparently very small change of name?—I think hardly so under present circumstances, because one good effect of the new name is, that people who make the insurance will understand it who would not understand what a "deferred annuity" was.

959. I mean, taking it in connection with the other changes, that you would be able to make people understand what you mean when you use the expression "old age pay," whereas when you spoke about "deferred annuity" they would not have the slightest notion what you were talking about?—Exactly so.

960. Will you state once more what you mentioned as to the minimum?—I think it should come down to 5*l.* I do not think that an insurance of less than 5*l.* is practically worth anything to the individual who gets it.

961. Have you ever considered specially, with regard to the question of medical certificates, the possibility of using the experience of the medical officers of the union. For example, if an insurer went to the Post Office and stated that his medical character was known to the officer of the union, upon payment of some very trifling fee, it should be the duty of the medical officer to report it, and in that way the Post Office should get the benefit of the knowledge and experience of the union officers?—I never heard it suggested before, but I think it is an admirable suggestion, and I daresay the officer would be very glad to do it for a shilling or sixpence.

962. I do not think that suggestion has ever been made; it is one which occurred to me personally, but I merely wanted to know whether it had ever occurred to you?—No, it had not.

963. Do you see any objection to it?—Not the slightest. I think it a very valuable suggestion.

964. Do not you think that the power of selling stamps might with advantage be extended in some way not merely to the officers of the Post Office, but in some way also to the officers of the union, because the officers of the union are brought in contact, and have special knowledge of the very class of people whom you want to get at, namely, that class of people who are on the verge of pauperism, and who occasionally have tumbled over the edge of it, and it presumably would constantly happen that an enterprising and able relieving officer would be able to get at the class of people whom we want to get at in a way that the postmen would have no means of doing at all?—I should be unwilling to do anything of that sort, because we should immediately set people to believe that this is a piece of the guardians' work to try and save the rates, and the consequence of that would be that they would not be likely to make the insurances. People likely to claim rates would not let the relieving officer think they had any spare money for insurance. There would be a difficulty, I think, in making people who are not officially connected with the Post Office able to receive a commission on the sale of stamps, and as a matter of fact the letter carrier gets more immediately into communication with every individual of the population than the relieving officer or any one else; he gets to them all.

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965. I quite

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Lord Edmond Fitzmaurice—continued.

965. I quite admit that that prejudice does exist and would exist; but do not you think it would be possible, to a certain extent, to remove and modify that idea?—I should hope so. I think it would be a very desirable thing. The more people could be interested in the sale of those insurance stamps, which could only be used for provident purposes, the better for the country.

966. You are aware that the tendency of legislation in the last 10 years has been enormously to increase the duties and functions of boards of guardians, that they are not merely poor law authorities, and the more they can be looked upon from another point of view than merely the poor law point of view, the better?—I think that would be very desirable; but I am afraid, as we are speaking now of the feelings of the poorest class for the most part who would be making these payments, I do not think that you could separate the functions of people connected with the poor law from pauperism and its associations in their minds.

967. I want to put this question to you. Supposing the relieving officer of a union goes to one cottage to administer relief, might he not at the same time sell an insurance stamp to the people in the next cottage?—Yes, it is quite possible; I have no objection myself to that. The only question is whether the people would buy them of him, whether a prejudice might not be raised against the whole movement by connecting it with the pauper system through its functionaries.

Mr. Harcourt.

968. With regard to the insurance of children, have you taken much interest in the matter so far as to observe at what age you consider it advisable to insure, that is to say, below what age you should not go as a matter of safety and prudence?—I have not considered it exactly from that point of view, but I think that on the whole, from the Report of the Friendly Societies Commission of 1875, one must feel that there is a very great and serious risk with regard to the insurance of infants and young children.

969. Up to what age would you say?—I say up to seven years old. I have not in my memory at this moment the extraordinary particulars that were given as to the ages of mortality of children in certain towns in England. I do not remember exactly when that extraordinary and abnormal death-rate began to cease; but it is most instructive and suggestive indeed to read.

Mr. Brand.

970. Do you suggest that there should be a special staff to sell these insurance stamps, or that they should be sold by the ordinary letter carrier?—By the ordinary letter carrier only; I would have no special staff.

971. Do you see no objection to that course?—No, I cannot say that I do, on the terms that I have proposed.

972. Do not you think that there might be a chance of letter carriers being inclined possibly to neglect their ordinary duties if they were paid a commission for selling those insurance stamps,

Mr. Brand—continued.

so that the ordinary duties which they had to perform might not be so efficiently performed?—I do not see the slightest risk of that, and for this simple reason, that all that would be required would be that the letter carrier might, say, four times a year, when it came near a quarter day, remind the people to whom he was in the habit of selling them that it was near the time to pay. He would not be running to them every day for them to pay him.

973. As it is, I suppose you know that the letter carriers have very heavy duties to perform?—I am quite aware that they have extremely heavy duties.

974. And quite as much as they can do?—In some cases it is quite as much as they can do; but that would work against any development of the Post Office system and its utility.

975. Do you see no objection in this point of view, that there are a great many people who might reasonably object to officers in the public service touting, as it were, for business, and there would no doubt be that feeling on the part of people, that they were always competing for business with regard to the Post Office?—May I mention, in reply to that, that in New Zealand the thing is actually done with the most astonishing success. I have a letter in my bag at this moment detailing what the Government of New Zealand has done in competition with other societies, and avowedly it is creating the greatest interest among them there, and is most successful, and people do not object. They have not a special stamp, but they actually employ, in addition to their ordinary functionaries, a collector for the Government insurance.

976. Then, in fact, letter carriers would be employed in competition with the agents of other societies as canvassing agents of the Government?—They would not necessarily be employed in competition with other companies, but they would be employed by the nation for the good of the nation, the poor people especially.

977. They would come into competition with other societies?—Yes; there is no question of that, of course they would come into competition; but I do not quite understand by the question whether you mean that that is objectionable or not.

978. I am putting it to you whether you think it is objectionable?—No; and I think I can show you why it cannot be objectionable, and for this reason. We will take, for instance, the Prudential Society, which has everywhere established itself, and deliberately comes into competition with other societies, yet you could make no objection to it, though it works for the sake of profit; whereas a movement like this would be done by the nation, not for profit, but for the sake of the poorest people and for their good. No one, for the sake of any existing society, would have any reason to object at all.

979. With regard to another point, you suggested that the medical certificates should be optional, that is to say, that those who wished to get an immediate benefit would obtain a medical certificate, and those who were assured without a medical certificate would have a deferred benefit?—Precisely so.

980. What

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Mr. Brand—continued.

980. What chance do you think that there would be that people would insure in the Post Office under the requirement that they should obtain a medical certificate, whilst they can insure in other societies or associations, more especially the Prudential, without a medical certificate?—Of course, one might take the same method as that used by the Prudential, that is to say, if they do not wish to have a medical certificate, they must pay more for their insurance, and they must also wait a certain time before they come into the benefit. That condition I should make exactly the same; in that way people would not lose any advantage that they would have in the Prudential; but the Prudential gives no advantage to a person who presents a medical certificate, whereas the Post Office might do so.

981. I suppose it is within your knowledge, having studied their tables and their business, that the Prudential Office covers the risk which is expected to ensue upon this system of insuring without medical certificates by the enormous number of policies effected?—Unquestionably they cover their risks, but by cost, not by number.

982. That would not be the case, would it, with the Government insurance; I mean that we cannot expect that the business of insurance through the Post Office would be done to any very great extent?—I am afraid that there would be a good deal of lapse in the Post Office too. I do not see what system of insurance you can suggest at the present time, except that of payment in advance by a lump sum, that would not be subject to lapse, and that lapse no doubt would be accounted for when we examined our Post Office tables; at the present time, they estimate a certain amount of lapse no doubt; if they did not, it might be all in favour of the insurer.

983. The Prudential, for instance, issues life policies for something like 5,000,000 £, and it is not likely that the Government insurance would develop to anything like the same extent under the present conditions?—No, it is not.

984. And, therefore, there would be greater danger to the Government in insuring weak lives than to those associations, because they would not cover themselves by having such a large number of policies issued?—I take it that the Post Office tables really make no appreciable calculation for lapse, whereas that society does, and therefore whatever tables the Post Office put forward, would be gone into as if no one lapsed.

985. Supposing that the Post Office insures without requiring a medical certificate, is it not very probable that the agents of those other associations will leave the weakest lives to be taken up by the Post Office?—Certainly not.

986. Why not?—For this reason, that their particular object is to get any life they can; they will not, if they can help it, leave a single life unattempted to get it insured. As a matter of practice, even if a person is evidently in bad health, they will induce him still to insure for a small benefit.

987. In order to obtain the commission?—In order to obtain the commission, and in order to get him on their books at all.

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Mr. Brand—continued.

988. Is not the same thing likely to happen in the case of letter carriers: you propose that the letter carriers should get a commission, and you state that the agents of those companies are anxious in order to earn their commission to take lives whether good or bad; why should not the letter carriers do the same?—The letter carriers have nothing to do with what the life is; they would only have to sell the stamps. The object of the collectors representing the societies is to get people's names on their books, because, if they once get their names on their books, they get six weeks of their payments into their pockets, and they do not care after that six weeks whether they go on or not; and in many cases they do not care at all to collect it. As has been shown in evidence in a number of instances throughout the country the collectors prefer continually getting new lives; but that would not be the case with the Post Office.

989. The collectors might sell stamps to persons in bad health for the purpose of insuring their own commission?—Yes.

990. It would come to the same thing, would it not, in the case of the letter carriers?—No, I do not see how it would. The letter carriers' business would be simply to sell stamps.

991. He gets a commission on the stamps, just as the agent of the Prudential will get a commission on the premiums?—He does; but the object of the agent (I do not say of the Prudential specially) is to get a commission in the first place, which is paid at once, and to get a payment in money for the first six weeks. In many cases they get the premiums into their pockets, and after that they do not care; they do not push very much. Now there would be nothing of that sort with the Post Office letter carrier. He would simply sell the stamps as they were wanted; I do not suppose for a moment that at first the Post Office would do as large a business as the Prudential, but it would be a gradually increasing business.

992. You stated that you thought it would not be wise to reduce the sum insured below 5 £.?—I think so; what I feel is this. In the first place, there is all the machinery and the trouble, whatever it may be. Although, with the new insurance stamp, that would be very small, yet it would involve having all the machinery for a small payment; and, on the other hand, I do not think that an insurance of less than 5 £. is really an appreciable benefit to many people in the way of insurance.

993. Do you not believe that the motive of a great number, and, indeed, I might say, of by far the majority of the poorer people who insure is that they may obtain sufficient money for the funeral expenses?—Yes, certainly.

994. Do you see any reason why you should go contrary to that sentiment on their part?—Not in the least.

995. Why should not the sum be reduced below 5 £.?—Because, practically, the funeral of people who are so insured costs 5 £. In a vast number of friendly societies, for instance, 5 £. is paid on the death of a wife, and 10 £. on the death of a husband, and it is expected to be spent on the funeral. At the same time, if I were

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Mr. Brand—continued.

asked to make any suggestion as to the limit, I should say that 5*l.* would be low enough, I think, at all events, as the first step from 20*l.*, which it is at the present time. The average of insurances in the Prudential, which amount to 4,000,000, is 8*l.* 8*s.* 2*d.*, or something like that; therefore one would say, that coming down to 5*l.* would accord largely with what poor people would want.

Mr. John Holland.

996. With respect to the theft of stamps to which you alluded, I suppose you made that observation from the ordinary facts which have come to your knowledge?—One of the principal managers of one of the largest publishing firms in London wrote to me after that article of mine was published, and said that the money that they lost by the theft of single stamps was perfectly amazing.

997. Could you tell me when that was?—It was last year, in May, when my article appeared in the "Contemporary Review," and I have heard the thing often spoken of, because, as a matter of fact, if we put any temptation at the fingers' ends of every person, there are dishonest people who feel no shame in picking a penny one day, another penny another day, and so on. But when I had stated that as one of the things which certainly there is no question about, I received a corroborative letter from this gentleman who was a stranger to me.

998. Was that since the system of using postage stamps for the savings banks has come in?—Yes, unquestionably; it was just in reference to that.

999. Then you consider that it was in consequence of that that the greater facility for the theft of stamps occurred?—Yes, it was. A really appreciable facility for theft of this kind was given, and the number of those thefts increased. They found that they had lost a great deal more in stolen postage stamps than they had done before.

1000. With regard to the insurance of children, have you seen the proposal which is before the Committee, that the minimum age of 16 years should be reduced to five years; have you considered that sufficiently to have any definite opinion as to whether five years is too low an age to insure?—I am sorry to say that I have not the subject sufficiently at my fingers' ends; I was not aware that that was the absolute limit.

1001. Yes; 16 is the absolute limit of age for insurance?—I was not aware of the restriction. I do not see why the Post Office should not insure much more safely, we will say, than others.

1002. It is proposed now that the age should be reduced to five years, and I want to know whether you think that that is too low?—No, I think not.

Mr. Sclater-Booth.

1003. Did you not say seven years?—I said that as a guess simply, but I have no objection to five years. My horror is about young infants.

1004. Do you expect that there will be much increase of business by lowering the policy con-

Mr. Sclater-Booth—continued.

siderably, probably below 5*l.*, and by very much increasing the number of offices at which Post Office insurances can be effected?—I really think that if we had letter carriers carrying stamps there would be no necessity to increase the number of offices at which the policies could be effected.

1005. Are you aware that, whereas there are about 2,000 post offices now doing insurance business, it is proposed to increase them to 7,000, that is to say, that a great number of the existing post offices should be made post offices for insurance?—Yes, and I think that would be very desirable.

1006. Do you think that that would result in a great increase of business?—No, I do not think so; if people have to bring their money to the post office, and they have to make their payments there; I do not expect much benefit from that.

1007. Is it your idea that the Government should, as it were, compete for the business with those societies?—Not exactly that; but they should bring the operations of insurance to the doors of the people.

1008. Do not you think there would be a little difficulty as to lapsed policies, if the Government offered facilities to a man to insure, and if his policy lapsed he would himself be responsible for it; but if it were suggested to him that a Government agent, who was paid by a commission, should insure him, and then his policy lapsed, would he not be likely to throw the blame upon the agent of the Government?—I think that the Government should take no responsibility whatever in preventing that, or in reminding those people of their payments. As a matter of fact, for their own interests they would keep the payments up, and if the letter carriers were interested in reminding the people, possibly near the quarter-day, or within not less than a week, they would do, but as to their undertaking to say, before this policy lapses we will give you a certain notice, there is not the least use in that. The people must look after that themselves; and I believe practically they would.

1009. Still, if the letter carrier, the Government agent, had an interest in the people insuring, it seems to me that if their policies lapsed they would be more likely to hold the Government responsible for persuading them to do it in this sort of way?—In the case of a person in any friendly society, if he is in default in any of his payments, he does not expect the official of the society to be always reminding him, and he does not blame him if his policy lapses; it is his own doing, and I think the same thing would apply to an insurance with the Post Office.

1010. If the terms are perfectly understood, it would be so, but do not you think that there would be great risk in that direction?—What I should suggest would be this, and it would be a very simple thing: if the payments were nominally to be upon a given day, say, on the four quarter-days of the year, and it were stated that the policy would lapse if they were not paid before the expiration of a week after, say the first day of the next month, that would be quite sufficient. The fact of quarter-day coming round would remind them that they ought to be getting ready to pay it on a certain day. If they were

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were a day or so behind, four or five, or seven days' grace might be given them.

1011. But you would not have the letter carriers undertake to remind them of the day?—Not in the least degree; they should have no responsibility whatever in the matter.

Chairman.

1012. As I understand you, you would propose that those stamps should be used for insurance as well as for the purchasing of an old age annuity or annuities?—Yes.

1013. Those letter carriers, of whom there are about 20,000 in the country, would practically be State agents for the conduct of State business; supposing that one of those men, wishing to net in, as it were, a great deal of commission, went round to the poor people in the district and made a great many unfounded statements with regard to the advantages which would result from buying an annuity, they might go in for a rivalry with the agents of the Prudential Society; because control over a great number of officials cannot be exercised so as to prevent them saying anything more than they would be justified in saying?—I really cannot see the difficulty in that. There must be some proof of their saying such things, and the proof of their saying them would be that we must have some written statement from them.

1014. Supposing, for instance, a poor person wrote and said that he had been induced to pay three or four pounds for an annuity, because he was told by So-and-so that certain advantages would accrue to him, and he complained that those advantages had not been realised, the Post Office, of course, would write to the letter carrier, and the letter carrier would say that he had never said anything of the kind, that the man must have misunderstood him. The money would have been paid, and the man would say that if he had known what he should get from the Post Office he should not have paid it, and that he had been induced to pay it under false pretences, and he called upon the Government immediately to refund it. Then a question would be asked in the House of Commons very likely about it, and it would be considered a great case of hardship. It seems to me that those administering the office under these circumstances would have almost insuperable difficulties to contend with; 20,000 people employed by the Post Office would have a direct interest in touting for business?—I do not know whether there is an instance of a single prosecution against the Prudential Society or any of their agents for overstating the value of what they promised.

Mr. Sclater-Booth.

1015. The postal messenger would not be an agent in that sense, because he would not issue the policy, as I take it?—No, certainly not.

1016. The policy would be issued at the Post Office?—Yes; but the answer that I would give to the Postmaster General is this: that it may be alleged as a grievance, but no grievance of that sort would be accepted, unless there was some proof of misrepresentation.

Chairman.

1017. With regard to annuities, which you

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Chairman—continued.

agree with Mr. Sclater-Booth, is more important to encourage than the insurance business, whether a man took an annuity contract or not, would depend upon the advantages which the person canvassing or soliciting might hold out, and upon the recommendations that were made to him by people who would be looked upon as State agents in the matter; you would sell him his first stamp to commence an annuity, and then it appears to me that we should have no hold over what was said by the letter carrier; it might be said, partly in ignorance and partly with the idea of getting a commission; in consequence of what was said to the poor man to induce him to commence this business, the poor man would think that the Government had a very great interest in getting their money?—Certainly, that might be said, but every policy that was issued must have the terms distinctly stated upon it. We must have everybody able to read, and if they will not look at it and read it, and merely accept what it is assumed that the letter carrier has told them of the business, they must be very silly people.

Mr. Sclater-Booth.

1018. Would not you look to the man in the Post Office who gives out the policy as the person primarily responsible?—Certainly, the policy speaks for itself. We cannot assume that this large number of people would do such a thing in order to deceive for the sake of the commission. If that could be proved it would be punishable; but people are very shrewd, and what with the Friendly Societies Act and with the tables and rules, they are not likely to come to much harm in that way.

Chairman.

1019. You attribute the great advantage of this plan which you advocate to the collection of the premiums?—To the collecting of the payments, and inducing of the people to use means which would be the cheapest for them and the safest for them.

1020. Do you attribute the advantage of personal collection as being the means of saving the people the trouble of going to the Post Office, or do you think that the advantage of personal collection consists in the power of using persuasion wisely or unwisely?—In bringing the machinery lose to them.

Mr. Sclater-Booth.

1021. Do you intend the postal messenger to collect the stamps from week to week?—No, not at all; only to carry with him, say 10s., or 1 l. worth of stamps. He is to be a mere distributor of stamps; he has no account to keep whatever; but he is simply a distributor of stamps.

Chairman.

1022. You spoke of a certain firm having lost a great deal owing to the increased theft of postage stamps; do you know whether that firm was aware that for a mere nominal charge they could effectually prevent themselves from losing a single stamp?—By piercing the stamps, I think they were; but piercing the stamps would not meet

K

21 March 1882.]

Rev. W. L. BLACKLEY.

[Continued.]

Chairman—continued.

meet the case of pilfering from ordinary people.

1023. No, but what struck me as rather extraordinary was, that this firm, who say they have suffered very serious loss, should not obviate that loss by having their stamps perforated; this can be done at a very small charge?—But I must point out one particular fact, that it was not that they felt it so much of their own postage stamps that they put on their letters, as they might have been abstracted, and not put on, but the publishing firms received a vast number of letters containing stamps which would not be marked at all, in order to pay for small publications, and those were at the mercy of the people who took them.

1024. Do they say that the letters were actually broken open?—No, but that they lost a large sum of money in stamps; the stamps were pilfered.

1025. But you could get over the difficulty in that way completely, by selling the stamps; you can sell the stamps by the payment of a very small commission; what I mean is, that when a large firm speaks of a very serious loss from that cause, that loss might be absolutely prevented by a very small and almost insignificant payment?—Will you kindly tell me whether you mean by perforating the stamps as they receive them.

1026. No; they could sell these stamps if they were afraid of this theft?—I suppose they do sell the stamps, but the fact of the matter is, that firm is publishing a great many things at a small price, and some of their customers will send the full price, and some will send the trade price, and the people who open those letters, and sort those stamps, and so on, have an opportunity very often of only giving the trade price of what is sent,

Chairman—continued.

and keeping the difference, and in that way they can steal a great many stamps.

1027. If people are willing to concoct a wholesale theft on that scale, why should they run the risk of some of those stamps being marked, and selling them, and turning them into cash, instead of putting them on the form which would be permanently kept, and, on examination, if such stamps were found to be marked, that would at once lead to the detection of the theft. If a person is willing to commit a theft by taking stamps out of a letter, would not it be very much more easy and safe for him to go and sell those stamps than to put them on a form where they could be examined at the shortest notice and the theft be detected. It is like having marked money in your pocket, and keeping the marked money permanently instead of changing it as soon as you possibly could?—We were talking of an article I had written on the subject, and I happened to mention that those people being entire strangers to me, wrote to me in consequence of that article; but, at the same time, there is this great danger in the case of young persons, in ordinary houses where stamps are left about every day, that they will take one stamp now and another stamp then and put them on the form, and, by way of being very provident, may become very dishonest.

1028. That I can understand; but I do not see why a person who steals a stamp should be so particularly anxious to save it instead of converting it into cash, which he could do?—The frequent sale would cause suspicion, which the payment of several slips at once to the Post Office would not do; but, as regards the whole subject, I think, if I may be allowed to say so, that this is but a small point.

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APPENDIX.

Appendix, No. 1.

PAPER handed in by Mr. *Turnor*, 28 February 1882.

ANNUITIES AND LIFE INSURANCES.

TABLE showing the BUSINESS done in each YEAR since the Commencement on the 17th April 1865.

CONTRACTS ENTERED INTO

YEAR.	ANNUITIES.						LIFE INSURANCES.		
	Immediate.			Deferred.			No.	Amount.	Average.
	No.	Amount.	Average.	No.	Amount.	Average.			
		£.	£.		£.	£.		£.	£.
1865 -	87	2,100	24	45	949	21	547	40,647	74
1866 -	196	4,327	22	72	1,389	19	621	47,261	76
1867 -	268	5,966	22	41	704	17	364	26,989	74
1868 -	323	6,396	20	40	668	17	350	26,781	77
1869 -	352	6,811	19	45	1,044	23	422	32,670	77
1870 -	306	6,120	20	57	1,195	21	385	31,254	81
1871 -	360	7,272	20	36	710	20	358	27,695	77
1872* -	1,019	9,870	10	38	721	19	757	55,982	74
1873* -	1,344	10,290	8	35	563	17	396	33,073	84
1874* -	1,814	12,259	7	53	992	19	278	21,622	78
1875 -	582	7,926	14	34	768	23	370	32,022	87
1876 -	729	10,013	14	29	464	16	270	22,875	85
1877 -	745	10,933	15	58	1,251	22	393	33,444	85
1878 -	709	11,375	16	50	1,370	27	229	19,608	86
1879 -	964	15,262	16	49	958	20	226	18,870	83
1880 -	892	13,249	15	41	847	21	258	20,378	79
1881 -	956	16,434	17	66	1,376	21	300	23,900	80
TOTAL -	11,646	156,603	13	789	15,989	20	6,524	515,071	79

* The exceptional increase during these years, 1872, 1873, and 1874, arose from contracts granted on the lives of masters and seamen of the Mercantile Marine, through the Board of Trade.

General Post Office,
27 February 1882. }

Geo. Chetwynd,
Receiver and Accountant General.

Appendix, No. 2.

PAPER handed in by Mr. Cardin, 28 February 1882.

ACCOUNT showing the Number and Amount of CONTRACTS entered into by Her Majesty's Postmaster General from the Commencement of BUSINESS on the 17th April 1865 to the 31st December 1881, and the Number and Amount of CONTRACTS in existence on the 31st December 1881.

	CONTRACTS entered into				TOTAL.	
	From 17th April 1865 to 31st December 1880.		From 1st January to 31st December 1881.			
	Number.	Amount.	Number.	Amount.	Number.	Amount.
Contracts for Annuities entered into from the commencement of business on 17th April 1865 to 31st December 1881, viz. :—		£. s. d.		£. s. d.		£. s. d.
Immediate Annuities - - - - -	10,690	140,172 12 8	956	16,433 12 -	11,646	156,606 4 8
Deferred Annuities and Monthly Allowances, money not returnable.	243	4,518 3 6	25	419 8 -	268	4,937 11 -
Deferred Annuities and Monthly Allowances, money returnable.	480	10,102 9 -	41	956 8 -	521	11,058 17 -
Contracts for Sums payable at Death, entered into from the commencement of business on 17th April 1865 to 31st December 1881.	6,224	491,178 12 5	300	23,900 1 10	6,524	515,078 14 3
Contracts for Annuities in existence on 31st December 1881, viz. :—						
Immediate Annuities - - - - -					8,432	122,635 2 8
Deferred Annuities and Monthly Allowances, money not returnable					240	4,315 1 6
Deferred Annuities and Monthly Allowances, money returnable					290	6,303 11 -
Contracts for Sums payable at Death in existence on 31st December 1881					4,557	367,450 2 11

General Post Office, }
27 February 1882 }

Geo. Chetwynd,
Receiver and Accountant General.

Appendix, No. 3

PAPERS handed in by Mr. James Joseph Cardin, 3 March 1882.

Act 27 & 28 Vict. c. 43.

ANALYSIS of the Occupations of 100 Insurance Proposers.

February to May 1867.

Agent - - - - 1	Grocers - - - - 3	Scripture Reader - - - 1
Attendant - - - - 1	Gardeners - - - - 2	Shipwrights - - - - 4
Brushmaker - - - - 1	Joiner - - - - 1	Shopmen - - - - 2
Baker - - - - 1	Locksmith - - - - 1	Saddlers - - - - 2
Bootmakers - - - - 2	Letter Carriers - - - - 2	Servants - - - - 4
Carpeters - - - - 2	Lacemaker - - - - 1	Surveyors - - - - 3
Compositors - - - - 2	Linen-maker - - - - 1	Storekeeper - - - - 1
Cardmaker - - - - 1	Messengers - - - - 6	Smith - - - - 1
Coachmen - - - - 2	Mason - - - - 1	Serjeants (Army) - - - 3
Coast Guards - - - - 5	Mechanic - - - - 1	Tailors - - - - 2
Clerks - - - - 14	Policeman - - - - 1	Travellers - - - - 2
Designer - - - - 1	Potter - - - - 1	Upholsterer - - - - 1
Engineers - - - - 3	Pensioner - - - - 1	Watchmaker - - - - 1
Foremen - - - - 4	Reporter - - - - 1	Wheelwright - - - - 1
Females - - - - 8	Relieving Officer - - - 1	

February to May 1877.

Baker - - - - 1	Females - - - - 7	Painter - - - - 1
Butler - - - - 1	Gardener - - - - 1	Stamper - - - - 1
Brickmaker - - - - 1	Grooms - - - - 2	Sailor - - - - 1
Bootmaker - - - - 1	Grocer - - - - 1	Serjeants (Army) - - - 2
Coast Guards - - - - 2	Gasfitter - - - - 1	Shipwrights - - - - 3
Cabman - - - - 1	Hosiery - - - - 2	Schoolmasters - - - - 2
Chemist - - - - 1	Hotel-keeper - - - - 1	Scripture Reader - - - 1
Clickers - - - - 3	Jeweller - - - - 1	Storemen - - - - 2
Compositor - - - - 1	Labourers - - - - 2	Smith - - - - 1
Carpenter - - - - 1	Missionary - - - - 1	Ship Stewards - - - - 2
Cellarman - - - - 1	Mason - - - - 1	Tailor - - - - 1
Cooper - - - - 1	Mechanics - - - - 2	Tanner - - - - 1
Clerks - - - - 35	Messengers - - - - 2	Tobacconist - - - - 1
Cattle-dealer - - - - 1	Policeman - - - - 1	Vocalist - - - - 1
Decorator - - - - 1	Pawnbroker - - - - 1	
Draper - - - - 1	Postmaster - - - - 1	

STATEMENT showing the Number of INSURANCE CONTRACTS in force on the 31st December 1881, in *England, Ireland, and Scotland*, respectively.

ENGLAND - - - - -	4,252
IRELAND - - - - -	173
SCOTLAND - - - - -	132
TOTAL - - - - -	4,557

General Post Office,
1 March 1882.Geo. Chetwynd,
Receiver and Accountant General.

STATEMENT showing the Number of POST OFFICES in the Counties of *Cambridge, Wilts, York, Aberdeen, and Cork* open for Savings Bank Business at which Savings Bank and Government Annuity and Insurance Business can be transacted.

COUNTY.	Number of Post Office Savings Banks.	Number of Offices at which Annuity and Insurance Business can be transacted.
CAMBRIDGE - - - - -	49	16
WILTS - - - - -	57	24
YORK - - - - -	479	133
ABERDEEN - - - - -	49	8
CORK - - - - -	63	5
OXFORD - - - - -	55	15

General Post Office, }
1 March 1882. }

Geo. Chetwynd,
Receiver and Account General.

GOVERNMENT LIFE INSURANCE

TABLE showing the Manner in which the PREMIUMS were Payable under the 6,524 Contracts entered into to the 31st December 1881.

One Sum.	Annually.	Half-Yearly.	Quarterly.	Alternate Months.	Monthly.	Twice a Month.	Four times a Month.
130	4,272	138	683	14	1,245	36	6

TABLE showing the SUMS Insured by the 6,524 Contracts entered into to the 31st December 1881.

£. 100	£. 90 and under £. 100.	£. 80 and under £. 90.	£. 70 and under £. 80.	£. 60 and under £. 70.	£. 50 and under £. 60.	£. 40 and under £. 50.	£. 30 and under £. 40.	£. 20 and under £. 30.	Average.
4,171	6	22	46	76	932	372	347	552	£. 79

General Post Office, }
27 February 1882. }

Geo. Chetwynd,
Receiver and Accountant General.

Appendix, No. 4.

PAPER handed in by Mr. Cardin, 14th March 1882.

STATEMENT showing the Result of a Person purchasing through the Post Office Savings Bank at the Ages of 20, 30, and 40, respectively, 100 *l.* in Consols, and devoting the Annual Dividends of 3 *l.* on each Investment in equal Proportions to the Purchase of Deferred Annuities to commence on his attaining the Age of 60, and to assure his Life.

Age last Birthday.	Yearly Sum required to the Age of 60.	Amount of Annuity under the Money Returnable Table.	Amount of Annuity under the Money not Returnable Table.	Amount of Purchase Money returnable at the end of 15 Years should the Purchaser die or wish to discontinue the Payments.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
20 - - -	3 - -	23 4 6	36 - -	45 - -
30 - - -	3 - -	14 13 11	21 3 6	45 - -
40 - - -	3 - -	8 7 5	10 14 11	45 - -
TOTAL Yearly Sum to be paid } from 40 Years of Age to 60 }	9 - -			
Amount of Annuity, commencing at 60 Years of Age - - - - - }		46 5 10	67 18 5	-
If at the Age of 60 the Annuitant invests his capital } of 300 <i>l.</i> in an immediate Annuity he would } receive - - - - - }		28 8 3	28 8 3	-
TOTAL Amount payable to Annuitant to end of Life		74 14 1	96 6 8	-

STATEMENT showing the Result of a Person purchasing through the Post Office Savings Bank, at the Ages of 20, 30, and 40, respectively, 100 *l.* in Consols, and devoting the Annual Dividends of 3 *l.* on each Investment in equal Proportions to the Purchase of Deferred Annuities to commence on his attaining the Age of 60, and to assuring his Life.

Age last Birthday.	Yearly Sum required to the Age of 60.	Amount of Annuity under Money Returnable Table.	Amount of Annuity under Money not Returnable Table..	Yearly Premium for whole Life.	Amount of Assurance Payable at Death.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
20 - - -	1 10 -	11 12 3	18 - -	1 10 -	80 18 -
30 - - -	1 10 -	7 6 11	10 11 9	1 10 -	62 14 4
40 - - -	1 10 -	4 3 8	5 7 5	- - -	46 5 5
TOTAL Yearly Sum to } be paid from 40 } Years of Age to 60 }	4 10 -				
Amount of Annuity commencing at 60 } Years of Age - - - - - }		23 2 10	33 19 2	-	-
If at the Age of 60 the Annuitant in- } vests his capital of 300 <i>l.</i> in an Imme- } diate Annuity, he would receive - - }		28 8 3	28 8 3	-	-
TOTAL Amount payable in Annuities to } end of Life - - - - - }		51 11 1	62 7 5	-	-
TOTAL Amount of Assurance payable at } Death - - - - - }		-	-	-	189 17 9

STATEMENT showing the Difference between the SPECIAL RATES of PREMIUMS Charged for the Insurance of the Lives of certain Classes of People and the Rate Charged upon an Ordinary Life.

DESCRIPTION OF LIFE.	Premium Charged throughout Life to a Person aged 30 next Birthday, for 100 <i>l.</i> , Payable at Death.
	<i>£. s. d.</i>
Ordinary - - - - -	2 6 7
Miner - - - - -	2 17 4
Publican - - - - -	2 17 4
Butcher - - - - -	2 17 4
Railway Engine Driver, Stoker, and Guard -	2 6 7
Mariner - - - - -	According to nature of service.
Fisherman - - - - -	Ordinary rates in the absence of hazardous risks.
Soldier :	
(a) On Home Service - - - - -	2 6 7
(b) On Active Service - - - - -	According to nature of service.
(c) At Unhealthy Stations - - - - -	3 3 -

Appendix, No. 5.

PAPERS handed in by Mr. Cardin, 21 March 1882.

STATEMENT showing what Amount of ANNUITY a Person 30 Years of Age, having 200 *l.* as a Deposit in the Post Office Savings Bank, and 300 *l.* in Government Stock which had been obtained through the Post Office Savings Bank, could procure by purchasing, with the respective Interest and Dividends, a DEFERRED ANNUITY to commence at 60 Years of Age, and at that Age purchasing an Immediate ANNUITY with the Capital of 500 *l.*

Age last Birthday.	Yearly Sum required to the Age of 60.		Amount of Annuity under the Money Returnable Table.	Amount of Annuity under the Money Not Returnable Table.
		£. s. d.	£. s. d.	£. s. d.
30 - - -	Interest - - -	5 - -	Deferred, 68 11 5	Deferred, 98 16 6
	Dividend - - -	9 - -		
	Total Yearly Sum to be paid from } 30 Years of Age to 60 - - - }	£. 14 - -		
£. 500 Purchase Money of Immediate Annuity - - -			Immediate, 47 7 1	Immediate, 47 7 1
TOTAL Annuity Payable from 60 Years of Age } to end of Life - - - - - }			£. 115 18 6	146 3 7

ANALYSIS of the OCCUPATIONS of 100 Deceased INSURERS.

Bookseller - - - - 1	Engineer - - - - 2	Operative - - - - 1
Brewer - - - - 1	Foreman - - - - 2	Painter - - - - 1
Bookbinder - - - - 1	Female - - - - 2	Printseller - - - - 1
Brushmaker - - - - 1	Gardener - - - - 1	Printer - - - - 1
Botanist - - - - 1	Grocer - - - - 2	Relieving officer - - - - 1
Clockmaker - - - - 1	Greengrocer - - - - 1	Shipwright - - - - 2
Coastguard - - - - 1	Housekeeper - - - - 2	Servant - - - - 2
Compositor - - - - 1	Hairdresser - - - - 1	Surgeon - - - - 2
Clerk - - - - 19	Ironmoulder - - - - 2	Serjeant - - - - 6
Cooper - - - - 1	Joiner - - - - 1	Stationmaster - - - - 1
Carrier - - - - 1	Letter carrier - - - - 2	Schoolmaster - - - - 1
Cook - - - - 1	Laundress - - - - 1	Shipbroker - - - - 1
Confectioner - - - - 2	Mariner - - - - 3	Shoemaker - - - - 1
Carpenter - - - - 3	Manager of works - - - - 1	Shopman - - - - 3
Clergyman - - - - 2	Messenger - - - - 4	Sailmaker - - - - 1
Cabinet maker - - - - 1	Mason - - - - 1	Surveyor - - - - 1
Draper - - - - 1	Nurse - - - - 1	Tailor - - - - 2
Draughtsman - - - - 1	Overseer, G. P. O. - - - - 1	Traveller - - - - 2

MEMORANDUM.

POST OFFICE SAVINGS BANK.

THE Post Office Savings Bank Department is in London, and the ledgers containing all the depositors' accounts are kept there. The 6,700 post offices, where savings bank business is transacted, are merely branches for the receipt and payment of money. The postmaster in charge of each office is required to record on a printed form, called a Savings' Bank Account, the particulars of each savings' bank transaction as it takes place. In the case of a deposit, he enters on the account the number of the depositor's book, the name and address of the depositor, and the amount deposited. In the case of a withdrawal he enters the number of the deposit book, the number of the withdrawal warrant, the amount paid, and the name of the depositor. At the close of business each day he makes a total on each side of the account of the various transactions, and debits himself in his cash account of that day with the total amount received for deposits, and takes credit for the total amount paid out as withdrawals. He then forwards the savings' bank account to London where the various transactions are posted to the separate account of each depositor in the savings' bank ledgers.

Each postmaster reports direct to the chief office daily the particulars of each savings' bank transaction which takes place at his office, and it causes no inconvenience if a depositor selects a different office every time he makes a deposit.

A depositor wishing to withdraw money from the Post Office Savings' Bank enters on a printed form, called a notice of withdrawal, the number of his deposit book, the amount he wishes to withdraw, and the name of the Post Office Savings' Bank where he wishes the money to be paid to him. The form is then forwarded post free to the chief office in London, where reference is made to the ledger to ascertain that there is sufficient money standing to the depositor's credit to meet the demand, in which case a warrant for the amount is sent to the depositor by the next post, and the amount is paid to him on his presenting the warrant to the postmaster named therein.

In the event of a depositor giving a standing authority for the periodical transfer from his deposit account of the amount of the premiums on his life insurance policy, or his deferred annuity contract, as it has been recently suggested he should be allowed to do, his account in the savings' bank ledger would be referred to as the premiums fell due, and if the balance in the account were sufficient for the purpose, the amount of the premium would be at once entered in the ledger as a withdrawal, and his life insurance or annuity account would be credited with the amount as a premium paid in.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the Figures following *App.* refer to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report.]

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ACCIDENTAL DEATHS. Grounds for objecting to special risks being taken by the Post Office in reference to cases of fatal accident, *Cardin* 425-431 — Disputes apprehended upon the question as to what constituted a fatal accident, *ib.* 427.

Explanation and advocacy of a plan originated by Mr. Ellis Lever, of Manchester, for the extension of Post Office insurance to cases of accidental death, *Howell* 663 *et seq.* — Concurrence of witness in the view of Mr. Lever that contributions by miners and working men generally to an accident insurance fund would make them more careful, *ib.* 664 — Absence of any special provision through friendly societies in cases of accident, *ib.* 665-667 — Provision made through trades unions in cases of disablement but not of death, *ib.* 665.

Suggestions as to the detailed process of insurance which might be adopted by the Post Office so as to embrace fatal accidents; very simple plan proposed, *Howell* 667 — Limit proposed as to the time within which, after an accident, the policy should hold good in the event of death ensuing, *ib.* 668, 669. 677-680 — Average of 10,649 accidental deaths in England and Wales annually since 1856; large proportion caused by explosions in coal mines, *ib.* 670-674 — Suggested limit as to the age of insurance against accident, it being proposed to exclude children under fourteen, *ib.* 671.

Result of the figures adduced by witness that an annual payment of 2 s. 6 d. would suffice to insure for 100 l. in case of fatal accident; that is including not only dangerous but non-dangerous trades, *Howell* 674-676. 681-693 — The foregoing calculation assumes that the average age for insuring is from forty-five to fifty, *ib.* 676. 681.

Expectation that the working classes generally would readily avail themselves of the proposed facilities through the Post Office, *Howell* 681. 689. 698-700 — Simplicity and economy in the collection of premiums, as compared with the system of insurance societies, *ib.* 681.

Statement as to the large increase of premium beyond 2 s. 6 d. necessary for a policy of 100 l., if only miners and dangerous trades were included, *Howell* 682-693 — Consideration of objections to a uniform rate of premium; advocacy of such rate, *ib.* 690-693. 698-700.

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Act 27 & 28 Vict. c. 43. Comparative failure of the business done through the Post Office under the Act 27 & 28 Vict., more especially as regards life insurances, *Turnor* 3-12. 83-86 — Several causes to which the failure of the Act is mainly due, *Cardin* 207-211. 250, 251; *Sir R. Wilson* 510-517. 525. 567.

Summary by the Committee showing the comparative failure of the Act both as regards annuities and life insurances, *Rep.* iii.

Adler, Marcus Nathan, M.A. (Analysis of his Evidence.) — Experience of witness for fifteen years as actuary of the Alliance Assurance Company; he has also been employed by Government as public valuer under the Friendly Societies Act, 711-714.

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Threefold increase by this plan of the number of offices at which business could be carried on, *Rep.* iv — Total of more than 2,734,000 depositors at the present time; facility of informing these as to the advantages and facilities of the proposed system, *ib.* iv, v.

See also *Cost of Working.* *Hours of Business.*

Schools. Obstacle to effecting Post Office assurances through schools, *Turnor* 115, 116.

Scotland. Total of 132 as the number of insurance contracts in force on 31st December 1881, *App.* 79.

Sick Pay. Strong objection to such matters as sick pay being comprised in operations through the Post Office, *Cardin* 422, 423 — Expediency of sick pay in friendly societies being managed entirely between the members themselves, *Adler* 769 — Necessity of conditions as to supervision in connection with a system of sick pay through the Post Office, *Blackley* 903-905.

Grounds upon which the Committee consider that it would not be expedient for the Government to undertake sick pay business, *Rep.* viii.

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Turnor, Algernon. (Analysis of his Evidence)—*continued.*

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W.

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Weekly Payments—continued.

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Wilson, Sir Rivers. (Analysis of his Evidence.)—Witness, who is Comptroller General of the National Debt Office, shows that for the quinquennial period, ending 31st December 1880, there was, according to a recent valuation, a considerable profit on the life insurance business done through the Post Office, 501. 504-507—There is a small loss, according to the valuation, upon the deferred annuities business, 505. 508.

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Funeral Expenses. *Life Insurance.*

R E P O R T

FROM THE

SELECT COMMITTEE

ON

PRIVILEGE (MR. GRAY);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, to be Printed,
21 November 1882.

SELECT COMMITTEE ON PRIVILEGE (MR. GRAY).

[*Thursday, 17th August 1882*]:—Mr. Speaker acquainted the House that he had received a letter from the Right Hon. James Lawson, which letter Mr. Speaker read to the House as followeth:—

“ Sir,
“ Green-street, Dublin, 16 August 1882.
“ IN conformity with what I understand to be my duty, I have the honour to inform
“ you that Mr. Edmond Dwyer Gray, a Member of the House of Commons, was this day
“ committed to prison for three months, by an order of mine, made in open Court, for a
“ contempt of Court in publishing certain articles calculated to prejudice the administra-
“ tion of Justice under the commission under which I sit.

“ I have the honour to be,
“ Sir,
“ The Right Honourable “ Your obedient Servant,
“ The Speaker of the House of Commons.” “ J. A. Lawson.”

Ordered,—[*Tuesday, 24th October 1882*]:—THAT the letter of the 16th August 1882, from the Right Hon. Mr. Justice Lawson to Mr. Speaker, informing the House of the commitment of Mr. Edmond Dwyer Gray, a Member of this House, for contempt of Court, be referred to a Select Committee for the purpose of considering and reporting whether any of the matters referred to therein demand the further attention of the House.

[*Wednesday, 25th October 1882*]:—Mr. Speaker acquainted the House that he had received the following communication from the Right Hon. Mr. Justice Lawson, which reached him too late to admit of his reporting it to the House during yesterday's sitting:—

“ Sir,
“ Oxford, 24 October 1882.
“ I HAVE the honour to acquaint you that on Saturday, 30th September, I ordered
“ that, upon payment of the fine of 500 l., Mr. Gray, M.P., who had been committed by
“ me for contempt of Court, should be discharged, and he was discharged accordingly on
“ that day.

“ To the Right Honourable “ (signed) J. A. Lawson.”
“ The Speaker of the House of Commons.”

Ordered, THAT the said communication be referred to the Select Committee to which the letter of the 16th August 1882, from the Right Hon. Mr. Justice Lawson to Mr. Speaker, was referred.

Committee nominated—[*Friday, 27th October 1882*]— of—

Mr. Gladstone.	Mr. Plunket.
Sir Stafford Northcote.	Mr. Parnell.
Mr. Goschen.	Sir Charles Forster.
Mr. Whitbread.	Mr. Sexton.
Sir John Mowbray.	Mr. Justin M'Carthy.
Mr. Raikes.	Mr. Dillwyn.
Mr. Attorney General.	Mr. Healy.
Sir Hardinge Giffard.	

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

Ordered,—[*Monday, 30th October 1882*]:—THAT the Committee do consist of Seventeen Members.

THAT Admiral Sir John Hay and Sir Edward Colebrooke be added to the Committee.

Ordered,—[*Friday, 17th November 1882*]:—THAT the Report and Minutes of the Proceedings be re-committed to the Select Committee, so far as they relate to a paragraph referring to the Law of Contempt proposed to be added to the Report by Mr. Sexton.

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R E P O R T.

THE SELECT COMMITTEE on PRIVILEGE, to whom was referred the LETTER of the 16th August 1882, from the Right Honourable Mr. Justice LAWSON to Mr. SPEAKER, informing the House of the Commitment of Mr. EDMOND DWYER GRAY, a Member of this House, for Contempt of Court, “for the purpose of considering and reporting whether any of the matters referred to therein demand the further attention of the House”;— HAVE considered the matters to them so referred, and have agreed to the following REPORT:—

YOUR Committee have had before them an Order, dated the 16th of August 1882, made by the Right Honourable James Anthony Lawson, one of Her Majesty’s Judges and presiding Judge and Commissioner of Oyer and Terminer and General Gaol Delivery, at a Session and Commission of Oyer and Terminer and General Gaol Delivery, held at Dublin, in and for the County of the City of Dublin, and also a further Order made and dated the 30th of September 1882.

By the first of these Orders Mr. Edmond Dwyer Gray, the proprietor of a certain newspaper, called the “Freeman’s Journal,” and then and now being High Sheriff of the County and City of Dublin, and one of the Members for the County of Carlow, was adjudged to be guilty of contempt of Court in having published, during the said Session, in the said “Freeman’s Journal” newspaper, upon the 11th, 12th, 14th, and 15th days of August 1882, respectively, certain publications and articles in contempt of the said Court then sitting. And it was also thereby adjudged that the said Mr. Edmond Dwyer Gray should, for such his contempt of Court, be imprisoned in Her Majesty’s prison in and for the County of the City of Dublin, for the space of three calendar months, and that, in addition, he should pay for his contempt a fine of 500 l. to Her Majesty the Queen, to be levied off his goods and chattels, and that, at the end of such period of imprisonment, he should enter into recognizances himself in the sum of 5,000 l., with two sureties each in the sum of 2,500 l., conditioned that he the said Mr. Edmond Dwyer Gray should be of good behaviour and of the peace for the space of twelve calendar months, and in default thereof should be imprisoned for a further period of three calendar months, unless, in the meantime, he should enter into such recognizances.

By the second of these Orders, it was ordered that on payment of the fine of 500 l. imposed on Mr. Gray, he should be then discharged from further custody, and he was accordingly discharged. The Judgment of Mr. Justice Lawson upon making such order appears in the Appendix. This order was made by Mr. Justice Lawson without any application being made to him in respect thereof. These orders, and the affidavits and exhibits on which they were founded, are printed in the Appendix hereto.

Your Committee had also before them a transcript of notes taken by a shorthand writer employed by the Crown Solicitor, of the proceedings in the Dublin Commission Court, on the 14th and 16th of August and 30th of September

September 1882, in relation to such committal and discharge from custody of Mr. Edmond Dwyer Gray, and they also examined two witnesses, Mr. Charles Ryan and Mr. William Johnston, in reference to the accuracy of such transcript.

Your Committee having had such orders and affidavits and transcript placed before them proceeded to afford to Mr. Edmond Dwyer Gray an opportunity of making such a statement on the matters referred to them as he might desire to offer.

Mr. Gray made an oral statement to your Committee, and in the course and in support of such statement placed before your Committee certain documents which appear in the Appendix, under the heading, "Papers handed in by Mr. Gray." A portion of such statement, the contents of such documents, and a portion of the evidence of Mr. Ryan and Mr. Johnston, appear to your Committee to be irrelevant to the specific object of the present inquiry, but your Committee consider that it would not be expedient to omit from the Appendix to this Report any portion of what was laid before them, and therefore Mr. Gray's statement, and the documents above referred to, appear in the Appendix.

Your Committee caused copies of the Minutes of the Evidence and documents before them to be forwarded to Mr. Justice Lawson. His acknowledgment of their receipt are to be found in the Appendix.

Under all the circumstances of the case your Committee are of opinion that the matters referred to them do not demand the further attention of the House.

And your Committee also desire to express their opinion that Mr. Justice Lawson fulfilled his duty in informing the House that a Member of the House of Commons had been imprisoned by the order of the Commission Court of Oyer and Terminer before-mentioned.

21 *November* 1882.

PROCEEDINGS OF THE COMMITTEE.

Monday, 30th October 1882.

MEMBERS PRESENT:

Sir Charles Forster.	Mr. Sexton.
Mr. Attorney General.	Mr. Healy.
Sir Hardinge Giffard.	Mr. Dillwyn.
Mr. Whitbread.	Mr. Goschen.
Mr. Plunket.	Mr. Gladstone.
Mr. Parnell.	Sir Stafford Northcote.
Mr. Justin M'Carthy.	

Mr. ATTORNEY GENERAL was called to the Chair.

[Adjourned till Wednesday next, at half-past Twelve o'clock.

Wednesday, 1st November 1882.

MEMBERS PRESENT:

Mr. ATTORNEY GENERAL in the Chair.

Sir Hardinge Giffard.	Mr. Justin M'Carthy.
Sir Stafford Northcote.	Sir Charles Forster.
Mr. Plunket.	Sir John Mowbray.
Mr. Goschen.	Mr. Dillwyn.
Mr. Raikes.	Sir Edward Colebrooke.
Sir John Hay.	Mr. Parnell.
Mr. Healy.	Mr. Gladstone.
Mr. Sexton.	Mr. Whitbread.

Motion made, and Question put, "That Strangers be admitted"—(Mr. *Healy*).—The Committee divided:

Ayes, 4.	Noes, 10.
Mr. Parnell.	Sir Stafford Northcote.
Mr. Sexton.	Sir John Mowbray.
Mr. Justin M'Carthy.	Mr. Raikes.
Mr. Healy.	Sir Hardinge Giffard.
	Mr. Plunket.
	Sir Charles Forster.
	Mr. Dillwyn.
	Sir John Hay.
	Sir Edward Colebrooke.
	Mr. Goschen.

Mr. *Edmond Dwyer Gray* (a Member of the House) was examined.

[Adjourned till Monday next, at half-past Twelve o'clock.

Monday, 6th November 1882.

MEMBERS PRESENT :

Mr. ATTORNEY GENERAL in the Chair.

Sir Hardinge Giffard.
Sir Stafford Northcote.
Mr. Plunket.
Mr. Dillwyn.
Sir Charles Forster.
Sir Edward Colebrooke.
Sir John Hay.
Mr. Sexton.

Mr. Justin M'Carthy.
Mr. Gladstone.
Mr. Healy.
Mr. Raikes.
Mr. Whitbread.
Sir John Mowbray.
Mr. Parnell.
Mr. Goschen.

Mr. *Edmond Dwyer Gray* (a Member of the House) was further examined.

Motion made, and Question put, "That the Solicitor General for Ireland be summoned as a witness before the Committee, in order to establish, firstly, That the Crown, at the trial, acting by the Solicitor General, characterised a simple record of the proceedings as a contempt of court, and inferentially denied the right of the public press to record such proceedings; secondly, That the notice served by the Crown was utterly insufficient for the purposes of making his defence by Mr. Gray; and thirdly, That although the intention of the writings in the "*Freeman's Journal*" was held to aggravate the character of the offence charged against Mr. Gray, the Crown refused to assent to an adjournment, which might have enabled Mr. Gray to prove that he acted on ample information, and without any criminal intention"—(Mr. *Sexton*).—The Committee divided:

Ayes, 4.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.
Mr. Healy.

Noes, 10.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Whitbread.
Sir John Mowbray.
Mr. Raikes.
Sir Hardinge Giffard.
Mr. Plunket.
Mr. Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Mr. *Charles Ryan* and Mr. *W. C. Johnston* were severally examined.

Motion made, and Question put, "That Mr. Morphy be summoned as a witness before this Committee for the purpose of establishing, firstly, That an official inquiry had been made with respect to the charge of misconduct by members of the jury in the case of Francis Hynes, although the learned judge declared in court, that the charge could not be made the subject of inquiry; secondly, That the official inquiry in question had resulted in corroboration of the charge, although the learned judge declared in court the charge to be an invention; and thirdly, That the result of the official inquiry was communicated to the judge, although he declared in court that the charge rested upon the hearsay of a waiter"—(Mr. *Sexton*).—The Committee divided:

Ayes, 5.

Mr. Parnell.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.
Mr. Healy.

Noes, 11.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Raikes.
Sir Hardinge Giffard.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Motion made, and Question put, "That there be placed before the Committee certain sworn statements relating to the conduct of certain members of the jury in the case of the *Queen v. Hynes*, whilst they were in the charge of the sub-sheriff, during the hearing of the trial, which statements were sworn after the hearing of the case before Mr.

Mr. Justice Lawson, for the purpose of establishing that the allegations made by Mr. Gray as to the conduct of such jurors was correct, and thereby showing the character of the contempt of court in respect of which Mr. Gray was committed to prison"—(Mr. *Sexton*).—The Committee divided:

Ayes, 5.
Mr. Parnell.
Mr. Sexton.
Mr. Dillwyn.
Mr. Healy.
Mr. Justin M'Carthy.

Noes, 9.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Sir Hardinge Giffard.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

[Adjourned till Tuesday, 14th November, at half-past Twelve o'clock.

Tuesday, 14th November 1882.

MEMBERS PRESENT :

Mr. ATTORNEY GENERAL in the Chair.

Mr. Dillwyn.
Sir Charles Forster.
Sir Edward Colebrooke.
Mr. Whitbread.
Sir John Hay.
Mr. Sexton.

Mr. Justin M'Carthy.
Mr. Plunket.
Mr. Goschen.
Mr. Gladstone.
Sir John Mowbray.
Sir Stafford Northcote.

DRAFT REPORT proposed by the *Chairman*, brought up, and read the first time, as follows :

"1. YOUR Committee have had before them an Order, dated the 16th of August 1882, made by the Right Honourable James Anthony Lawson, one of Her Majesty's Judges, and presiding Judge and Commissioner of Oyer and Terminer and General Gaol Delivery, at a Session and Commission of Oyer and Terminer and General Gaol Delivery, held at Dublin, in and for the County of the City of Dublin, and also a further Order made and dated the 30th of September 1882.

"2. By the first of these Orders Mr. Edmond Dwyer Gray, the proprietor of a certain newspaper called the 'Freeman's Journal,' and then and now being High Sheriff of the County and City of Dublin and one of the Members for County of Carlow, was adjudged to be guilty of contempt of Court in having published, during the said Session, in the said 'Freeman's Journal' newspaper, upon the 11th, 12th, 14th, and 15th days of August 1882, respectively, certain publications and articles in contempt of the said Court then sitting. And it was also thereby adjudged that the said Mr. Edmond Dwyer Gray should, for such his contempt of Court, be imprisoned in Her Majesty's prison in and for the County of the City of Dublin, for the space of three calendar months, and that, in addition, he should pay for his contempt a fine of 500 *l.* to Her Majesty the Queen, to be levied off his goods and chattels, and that, at the end of such period of imprisonment, he should enter into recognizances himself in the sum of 5,000 *l.*, with two sureties each in the sum of 2,500 *l.*, conditioned that he the said Mr. Edmond Dwyer Gray should be of good behaviour and of the peace for the space of twelve calendar months, and in default thereof should be imprisoned for a further period of three calendar months, unless, in the meantime, he should enter into such recognizances.

"3. By the second of these Orders, it was ordered that on payment of the fine of 500 *l.* imposed on Mr. Gray, he should be then discharged from further custody. These orders, and the affidavits and exhibits on which they were founded, are printed in the Appendix hereto.

"4. Your Committee had also before them a transcript of notes taken by a shorthand writer of proceedings in the Dublin Commission Court, on the 14th and 16th of August and 30th of September 1882, in relation to such committal of Mr. Edmond Dwyer Gray, and they also examined two witnesses, Mr. Charles Ryan and Mr. William Johnston.

"5. Your Committee having had such orders and affidavits and transcript placed before them proceeded to afford to Mr. Edmond Dwyer Gray an opportunity of making such observations on the matters referred to them as he might desire to offer.

"6. Mr. Gray made an oral statement to your Committee, and in the course and in support of such statement placed before your Committee certain documents which appear in the Appendix, under the heading 'Papers handed in by Mr. Gray.' A portion of such statement, and the contents of such documents, and a portion of the evidence of Mr. Ryan and of Mr. Johnston, appear to your Committee to be irrelevant to the specific object of the present inquiry, but your Committee consider that it would not be expedient to omit from the Appendix to this Report any portion of what was laid before them, and therefore Mr. Gray's statement, and the documents above referred to, appear in the Appendix.

"6a. Your Committee caused copies of the Minutes of the Evidence and Documents before them to be forwarded to Mr. Justice Lawson. His acknowledgments of their receipt are to be found in the Appendix.

"7. Under all the circumstances of the case your Committee are of opinion that the matters referred to them do not demand the further attention of the House.

"8. And your Committee also desire to express their opinion that Mr. Justice Lawson fulfilled his duty in informing the House that a Member of the House of Commons had been imprisoned by the order of the Commission Court of Oyer and Terminer beforementioned."

DRAFT REPORT proposed by Mr. *Dillwyn*, brought up, and read the first time, as follows :

"1. YOUR Committee have had before them an Order dated the 16th of August 1882, made by the Right Honourable Anthony Lawson, one of Her Majesty's Judges, and Presiding Judge and Commissioner of Oyer and Terminer and General Delivery at a Session and Commission of Oyer and Terminer and General Gaol Delivery, held at Dublin, in and for the County of the City of Dublin, and also a further Order made and dated the 30th September 1882.

"2. By the first of these Orders, Mr. Edmond Dwyer Gray, the proprietor of a certain newspaper called the 'Freeman's Journal,' and then and now one of the Members for County of Carlow, was adjudged to be guilty of contempt of Court in having published during the said session in the said 'Freeman's Journal' newspaper, upon the 11th, 12th, 14th, and 15th days of August 1882 respectively, certain publications and articles in contempt of the said Court then sitting. And it was also thereby adjudged that the said Mr. Edmond Dwyer Gray should, for such his contempt of Court, be imprisoned in Her Majesty's prison in and for the County of the City of Dublin for the space of three calendar months, and that in addition he should pay, for his contempt, a fine of 500 *l.* to Her Majesty the Queen, to be levied off his goods and chattels, and that at the end of such period of imprisonment he should enter into recognisances himself in the sum of 5,000 *l.*, with two sureties each in the sum of 2,500 *l.*, conditioned that he, the said Mr. Edmond Dwyer Gray, should be of good behaviour and of the peace for the space of twelve calendar months, and in default thereof should be imprisoned for a further period of three calendar months, unless in the meantime he should enter into such recognisances.

"3. By the second of these Orders it was ordered that on payment of the fine of 500 *l.* imposed on Mr. Gray, he should then be discharged from further custody. No application appears to have been made to the Court for the Order of the 30th of September 1882; and as it materially altered and varied the original sentence, your Committee assume that the Court was dissatisfied with the sentence pronounced on the 16th of August 1882. These orders and the affidavits and exhibits on which they were founded are printed in the Appendix hereto.

"4. Your Committee had also before them a transcript of notes taken by a shorthand writer of proceedings in the Dublin Commission Court on the 14th and 16th of August and 30th of September 1882, in relation to such committal of Mr. Edmond Dwyer Gray.

"5. Your Committee having had such orders and affidavits and transcript placed before them, proceeded to afford to Mr. Edmond Dwyer Gray an opportunity of making such observations on the matters referred to them as he might desire to offer, and having examined Mr. Gray and considered the reports and comments in the 'Freeman's Journal,' which led to the commitment of Mr. Gray, the proprietor of that newspaper, are of opinion that the contempt which it is alleged Mr. Gray committed was not of such a character as to justify the imprisonment of a Member of Parliament.

"6. It appears to your Committee that by the law and usage of Parliament, Privilege of Parliament belongs to every Member of the House of Commons, in all cases excepting those of treason, felony, and breach of the peace; and in the case of such exceptions it is obvious

obvious that punishment for such offences could only be awarded after trial and conviction by a jury.

" 7. The Privilege of Parliament rests not only upon Resolutions of the Houses of Parliament, but is also distinctly recognised by various Acts of Parliament.

" 8. The Resolution of the House above referred to, asserting the law and usage of Parliament in respect of privilege, was passed on the 20th May 1675, and in 1831 a Committee of Privileges reported that it had been considered as established generally that privilege is not desirable for any indictable offence, assuming thereby the preferment of an indictment.

" 9. The Acts of Parliament which recognise the Privilege of Parliament, which may be quoted, are the 17th of Geo. II. c. 6, the 45th of Geo. III. c. 4, the 57th of Geo. III. c. 3, the 57th of Geo. III. c. 55, the 3rd of Geo. IV. c. 2, the 2nd and 3rd of Will. 4, c. 93, and the 44th of Vict. c. 4, all these recognise the exemption of Members of Parliament from arbitrary arrest until the matter of which he is suspected shall be first communicated to the House of which he is a Member, and the consent of such House obtained for his committal.

" 10. Various cases have been brought under the notice of Parliament in which Members have been committed for contempt of court in which the House, not insisting on its privileges, have not deemed it necessary to interfere, but these have been cases in which the contempt has consisted in a direct defiance of, or interference with, one of the superior courts, as in the case of Mr. Long Wellesley in 1831, who took a ward of Chancery out of the jurisdiction of the court, or as in that of Mr. Lechmere Charlton in 1837, who, in writing a letter to one of the Masters in Chancery, attempted to interfere with an officer of the court in the performance of his duty with respect to a suit then pending. This latter case was referred to a Committee of Privilege, and your Committee consider it desirable to quote some extracts from their Report, which set forth the law and usage of Parliament in respect of privilege of Members. The warrant for Mr. Charlton's commitment set forth that he was committed by the Lord Chancellor 'for writing a letter to William Brougham, Esq., one of the Masters of the High Court of Chancery, containing matters scandalous with respect to the said Master, and an attempt improperly to influence his conduct in the matter pending before him.' The Report, after preliminary matter, state that the Committee 'are deeply impressed with the difficulty and importance of the question referred to them, in the absence of authorities to which they can refer as clearly in point and directly bearing on this particular case. It will be seen from the early cases that the ancient definition of Privilege of Parliament is, that it belongs to every member of the House, except in cases of treason felony, or refusing to give surety of the peace.

" These exceptions by the statement of the Commons in 1641 are further extended to all indictable offences; by their Resolution in 1697 to forcible entries and detainers; and in 1763, in conformity with the principle of the declaration of 1641, and of a subsequent resolution in 1675 to printing and publishing seditious libels; to which may be added the Resolution of the Lords in 1757 that Privilege shall not protect Peers against process to enforce the *Habeas Corpus*.

" The ordinary process for contempts against persons having privilege of Parliament or of Peerage has not been that of attachment of the person, but that of sequestration of the whole property, which has been found sufficient to vindicate the authority of the Courts, even in cases of some aggravation.

" It is stated by Blackstone that "contempts committed even by Peers when enormous and accompanied with violence, such as forcible rescous and the like, or when they import disobedience to the King's writs of prohibition, *Habeas Corpus* and the rest are punishable by attachment;" and the same doctrine has on different occasions been expressed by other writers and by judges of high authority.

" The only cases, however, in which attachments have been found by the Committee to have been actually issued against privileged persons are that of Earl Ferrers, by the King's Bench, and that of Mr. Long Wellesley, by the Court of Chancery, already referred to. The former was a case of disobedience to a writ of *Habeas Corpus* to which, while the discussion was pending, it had been declared by the House of Lords privilege of Parliament did not extend; the other was that of the forcible removal of a ward of the Court of Chancery, and placing her out of the jurisdiction of the Court, which obviously could only be checked by the most prompt and efficacious remedy.

" Since the sitting of the last Committee of Privileges, the Act of 2 & 3 Will. 4, c. 93, intituled, "An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland," has passed, by which contempts of the Ecclesiastical Courts, in face of the Court, or the process thereof, are directed to be signified to the Lord Chancellor, who is to issue a writ *de contumace capiendo* for taking into custody persons charged with such contempt "in case such person" shall not be a Peer, Lord of Parliament, or Member of the House of Commons.

" 11. In the comments which appeared in the 'Freeman's Journal' newspaper, and which led to the imprisonment of Mr. Gray, your Committee do not consider that he intended to or did act in defiance of the Court, or with the view of interfering with its action, as the trial to which they referred had been concluded, and the irregularities which were alleged to have occurred in reference to it were of such a serious character as, if true,

to render it desirable that public attention should be drawn to them with the view of obtaining a full investigation; and your Committee are of opinion that Mr. Gray's comments were made with this object, and not with the desire to prejudice or interfere with the administration of justice, but, on the contrary, to amend it.

"12. On former occasions of committal of Members for contempt, the House has not considered it expedient to protest or take action in order to vindicate its privileges, but in no instance can it be considered to have waived them.

"13. In the present instance, as Mr. Gray has been released from imprisonment, and under the circumstances of the case, your Committee do not recommend that any further steps in the matter are necessary to be taken, although they are of opinion that there has been an infringement of the privilege of Parliament.

"14. The order of reference desires your Committee to report whether any of the matters referred to in the case of Mr. Gray demands the further attention of this House; and in compliance with this direction they desire to express their opinion that if the present state of the law allows a judge to imprison or fine to an unlimited extent the editor of a public journal for criticising the proceedings on a criminal trial after such trial has finished, your Committee consider that it is desirable forthwith to amend the law relating to contempt of court."

DRAFT REPORT proposed by Mr. *Sexton*, brought up, and read the first time, as follows :

"1. Your Committee have had before them an Order, dated the 16th of August 1882, made by the Right Honourable James Anthony Lawson, one of Her Majesty's Judges, and presiding Judge and Commission of Oyer and Terminer and General Gaol Delivery, at a Session and Commission of Oyer and Terminer and General Gaol Delivery, held at Dublin, in and for the County of the City of Dublin, and also a further Order made and dated the 30th of September 1882.

"2. By the first of these Orders Mr. Edmond Dwyer Gray, the proprietor of a certain newspaper, called the 'Freeman's Journal,' and then and now one of the Members for the County of Carlow, and High Sheriff of the County of the City of Dublin, was adjudged to be guilty of contempt of Court in having published, during the said Session, in the said 'Freeman's Journal' newspaper, upon the 11th, 12th, 14th, and 15th days of August 1882, respectively, certain publications and articles in contempt of the said Court then sitting. And it was also thereby adjudged that the said Mr. Edmund Dwyer Gray should, for such his contempt of Court, be imprisoned in Her Majesty's prison in and for the County of the City of Dublin, for the space of three calendar months, and that, in addition, he should pay for his contempt a fine of 500*l.* to Her Majesty the Queen, to be levied off his goods and chattels, and that at the end of such period of imprisonment, he should enter into recognizances himself in the sum of 5,000*l.*, with two sureties each in the sum of 2,500*l.*, conditioned that he the said Mr. Edmond Dwyer Gray should be of good behaviour and of the peace for the space of twelve calendar months, to Her Majesty the Queen, and all Her Majesty's subjects, and in default thereof should be imprisoned for a further period of three calendar months, unless, in the meantime, he should enter into such recognizances.

"3. By the second of these Orders, it was ordered that on payment of the fine of 500*l.* imposed on Mr. Gray, he should be then discharged from further custody. These orders, and the affidavits and exhibits on which they were founded, are printed in the Appendix hereto.

"4. Your Committee had also before them a transcript of notes taken by a shorthand writer of proceedings in the Dublin Commission Court, on the 14th and 16th of August and 30th of September 1882, in relation to such committal of Mr. Edmund Dwyer Gray; and your Committee examined, in reference to the accuracy of such transcript, two shorthand writers, whose evidence will be found in the Appendix.

"5. Your Committee having had such orders and affidavits and transcript placed before them proceeded to afford to Mr. Edmond Dwyer Gray an opportunity of making such observations on the matters referred to them as he might desire to offer. Mr. Gray made an oral statement to your Committee, which appears in the Appendix, and in the course and in support of such statement placed before your Committee certain documents which appear in the Appendix, under the heading, 'Papers handed in by Mr. Gray.'

"6. Your Committee in considering whether any of the matters connected with the commitment of Mr. Gray demand the further attention of the House, have guided themselves by the principles laid down in the Report of a Select Committee on Privilege, appointed by the House in 1837, to consider and report upon the case of Mr. Lechmere Charlton, a Member of the House, who had been committed to prison by the Lord Chancellor for writing a letter to a Master of the High Court of Chancery, 'containing matters scandalous in respect to the said Master,' and 'attempting improperly to influence his conduct in a matter pending before him.'

"7. The

" 7. The Select Committee in the case of Mr. Charlton felt it to be their duty, not only to consider (1) the character of the letter in respect of which he had been committed to prison, and the reason he had for believing certain statements made in that letter to be true, but also to investigate (2) the particulars of the contempt in order that the House might be informed of them, and might thereby be enabled to come to a decision upon the merits. The Committee observed, with reference to the letter, that whilst it appeared 'to be expressed in an intemperate and improper manner,' it had, however, been 'occasioned by information derived from the solicitor in the cause, the correctness of which Mr. Charlton had no reason to doubt,' and with regard to the particulars of the contempt, the Committee reported that, 'although the Lord Chancellor had the power to declare what he deemed to be a contempt of the High Court of Chancery, it was necessary that the House of Commons, as the sole and exclusive judge of its own Privileges, should be informed of the particulars of the contempt before they could decide whether the contempt was of such character as would justify the imprisonment of a Member.'

" 8. The Select Committee on Privilege, in the case of Mr. Charlton, therefore, clearly laid down two principles, namely (1), that it was their duty to consider and report as to the grounds of the belief of Mr. Charlton in the truth of the statements, for which he had been committed, and (2) that it was their duty to ascertain and report the particulars of the contempt, in order that the House, as the sole and exclusive judge of its own Privileges, should be enabled to decide whether the character of the contempt had been such as to justify the imprisonment of one of its Members.

" 9. Applying these principles to the case of Mr. Gray, your Committee have considered, in the first place, what grounds he had for believing that the statements made in the 'Freeman's Journal' newspaper, in the publications and articles, alleged to have been in contempt of the said court were true. Those statements charged that in certain cases tried before the said court, numbers of jurors of respectable position, belonging to the Roman Catholic communion, had been ordered by the Crown to 'stand aside,' whilst juries exclusively, or almost exclusively, Proreasant, had been sworn; and also that certain members of a jury empanelled in a capital case had been guilty of misconduct in the hotel where they were lodged during the night which intervened between the commencement of the trial and its conclusion. Your Committee having heard the statement of Mr Gray, and having examined the Papers handed in by him, and the several exhibits in the case, are of opinion that he had no reason to doubt the correctness of the statements made in the 'Freeman's Journal' newspaper, and alleged to have been in contempt of the said court.

" 10. With regard to the second principle, adopted by precedent from the case of Mr. Charlton, namely, that although the judge had the power to declare what he deemed to be contempt, the House shall be informed of the particulars of the contempt in order to decide whether it was of such a character as to justify the imprisonment of a Member. Your Committee reiterate the expression of their opinion that Mr. Gray had no reason to doubt the correctness of the statements alleged to be in contempt; and your Committee, in this connection, refer to the report of the judgment delivered in the case by Mr. Justice Lawson, from which it appears that the learned judge declared that one of the legal questions for him to consider, in order to come to a decision, was whether the publications and articles in the 'Freeman's Journal' newspaper 'were intended to interfere with the administration of Justice.' Your Committee are of opinion that in order to arrive at an equitable decision upon that question, it was essential to inquire whether Mr. Gray believed, and had reason to believe, that the statements contained in the publications and articles were true. It is evident that statements made in good faith, even though held to constitute contempt, must be held to constitute contempt of a character materially different from that involved in statements made, either with a knowledge of their falsehood, or without a reasonable presumption of their truth. But Mr. Justice Lawson, although he declared 'intention' to be a vital portion of the case, and thereby admitted to consideration the question of truth or falsehood, yet refused to hear a witness present in court, who tendered his evidence on oath, in support of the statements made in the 'Freeman's Journal'; and further, the learned judge declined either to allow Mr. Gray to go into the question of the truth of the statements, or to grant an adjournment of the case, which was sought for by Mr. Gray on the plea that he would be able to clear himself of any charge as to the intention of the articles, and to prove that he had acted in good faith. Your Committee consider that Mr. Gray, who, it appears, had received but a few hours' notice (from the evening of the 15th August to the morning of the 16th) of the intention to proceed against him, should have been allowed, by a reasonable adjournment, due facility for the preparation and production of his defence, with regard to the intention of the publications and articles. Your Committee also consider that the evidence tendered on his behalf in court should not have been rejected. The rejection of this evidence and the refusal of an adjournment are open the more gravely to question, because, as it appears, the learned judge himself, in the course of the proceedings, repeatedly used expressions which left no doubt that he had already, by some method not indicated, brought his mind to a conclusion adverse to Mr. Gray upon the essential question of intention. Your Committee consider that a Member of the House, charged with contempt of court, should not have been denied those facilities for defence universally allowed to all who are charged with acts against the law. Your Committee also consider,

upon the question of the character of the contempt, that Mr. Gray, having no reason to doubt the correctness of the statements made in the 'Freeman's Journal,' intended those statements not to 'interfere with the administration of justice,' but to secure the unimpeded admission to the jury-box of persons duly qualified, without distinction of creed, and in the particular case in which misconduct was charged against certain members of a jury, to induce the executive to consider whether there was cause for recommending the extension of the Royal prerogative of clemency to the man who, on the verdict of the jury in question, had been condemned to death. Your Committee, after careful consideration of all the facts in evidence before them, have no doubt of the accuracy of the statement of Mr. Gray, that the motive of the publications in the 'Freeman's Journal' was so to purify the administration of justice as to secure and increase respect for the law. Following the precedent laid down, as hereinbefore recited, by the Select Committee on Privilege, in the case of Mr. Charlton, your Committee leave out of question the power of the judge to declare what he deemed to be contempt; but having ascertained and considered the particulars, declared to be contempt in the present case, your Committee, bearing in mind the law and usage of Parliament as to Privilege of Parliament, laid down in various statutes and numerous resolutions of both Houses, feel bound to report that, in their opinion, the character of the contempt was not such as to justify the imprisonment of Mr. Gray.

"11. It appears, moreover, that Mr. Gray was adjudged to be guilty of contempt because of publications and articles referring to trials which had concluded before the publications and articles declared to be in contempt had appeared in the 'Freeman's Journal.' Your Committee are assured that it is the general practice of public journalists to comment freely in their journals on concluded trials, and the House may desire to consider whether a member of the House should have been condemned to imprisonment, under the law of contempt of court, for having acted according to the settled usage of the public press, and whether, in the interests of independent public criticism of the administration of justice, it is any longer judicious to allow the law of contempt in this regard to remain without definition and limitation.

"12. Apart from the questions raised in respect of the publications and articles in the 'Freeman's Journal,' it is apparent to your Committee that another question directly affecting the privilege of a Member of the House, and his right to attend in Parliament, was raised in the present case by Mr. Justice Lawson, and that it materially contributed to the judgment at which he arrived, and to the sentence passed by him upon Mr. Gray. The office of high sheriff of the city of Dublin is held by Mr. Gray for the present year, and as it is part of the customary duty of the high sheriff to attend upon the judges at the opening of the said commission court, Mr. Gray, on the eve of such opening, wrote a letter to Mr. Justice Lawson, stating that he expected it would be needful for him to go at once to Parliament, and expressing confidence that his absence from the court would not be attributed to any want of due respect. At that time the learned judge made no reply, but, in answer to an inquiry addressed to him by Mr. Gray some days after his committal to prison, Mr. Justice Lawson acknowledged the receipt of the letter sent to him by Mr. Gray before the opening of the commission, and declared that the excuse, as he termed it, for the absence of Mr. Gray from the court had been quite sufficient. Nevertheless, at the hearing of the charge against Mr. Gray, the learned judge, in reply to observations by the defendant as to the need of further time to prepare his defence, said, 'You are the high sheriff, and you are bound to be always in attendance in this court;' and subsequently upon the question of the alleged misconduct of certain members of a jury in the hotel, the learned judge declared that he held the high sheriff 'responsible for everything,' although the high sheriff, after notifying the judge of his intention, had proceeded to the House of Commons before the Commission opened, and had remained continuously in attendance upon the House, and in the discharge of his Parliamentary duty, until after the jurors accused of misconduct had delivered their verdict and been discharged, and until after the trials commented upon in the 'Freeman's Journal' had concluded. There can be no doubt that the jurors in question, during their absence from the court, were in charge of the sub-sheriff and of sworn constables and bailiffs, and that the high sheriff was obliged to be absent, all the time, in London, on Parliamentary duty; yet it appears that the learned judge, because of such absence, rebuked him, imposed a serious disability on him in regard to the preparation of his defence, and even went so far as to punish him for his absence in Parliament; since, in delivering judgment, the learned judge declared, 'I think the position of Mr. Gray greatly aggravates his offence; I think he owed a duty to the court which he has most seriously neglected.' Your Committee deem it to be impossible to come to any other conclusion than that Mr. Justice Lawson inflicted punishment on Mr. Gray for having performed his Parliamentary duty, and your Committee are of opinion that this conduct on the part of the learned judge is a breach of the privilege of the House.

"13. As the matter affects the honour of a Member of the House, your Committee deem it proper, in reference to a complaint submitted to them by Mr. Gray, to declare that certain charges made against him in the public press, imputing to him wilful misuse of his capacity of high sheriff to defeat the ends of justice, are entirely without foundation.

"14. Your Committee have to report that, in their opinion, the singularly anomalous condition of the law of contempt, as well as the facts set forth, and the conclusions stated

in

in paragraphs 9, 10, 11, and 12 of this Report, demand the further attention of the House."

Motion made, and Question proposed, "That the Draft Report proposed by the Chairman be read a second time, paragraph by paragraph"—(Mr. *Whitbread*).—Amendment proposed to leave out the words, "The Chairman," in order to insert the words, 'Mr. Sexton,' instead thereof.—Question put, "That the words, 'The Chairman,' stand part of the Question."—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Gladstone.	Mr. Sexton.
Mr. Goschen.	Mr. Justin M'Carthy.
Mr. Whitbread.	Mr. Dillwyn.
Sir John Mowbray.	
Mr. Plunket.	
Sir Charles Forster.	
Sir John Hay.	
Sir Edward Colebrooke.	

DRAFT REPORT proposed by the *Chairman*, read, paragraph by paragraph.

Paragraphs 1—5, *agreed to*, with Amendments.

Paragraph 6, read.—Amendment proposed in line 3, after "Mr. Gray," to leave out all the words to the words, "and therefore," in line 7—(Mr. *Justin M'Carthy*).—Question put, "That the words proposed to be left out stand part of the paragraph."—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Gladstone.	Mr. Justin M'Carthy.
Sir Stafford Northcote.	Mr. Dillwyn.
Mr. Goschen.	Mr. Sexton.
Mr. Whitbread.	
Sir John Mowbray.	
Mr. Plunket.	
Sir Charles Forster.	
Sir John Hay.	
Sir Edward Colebrooke.	

Paragraph 6, amended and *agreed to*.

Amendment proposed, after the last paragraph to insert the following new paragraph:—"Your Committee in considering whether any of the matters connected with the commitment of Mr. Gray demand the further attention of the House, have guided themselves by the principles laid down in the Report of a Select Committee on Privilege, appointed by the House in 1837, to consider and report upon the case of Mr. Lechmere Charlton, a Member of the House, who had been committed to prison by the Lord Chancellor for writing a letter to a Master of the High Court of Chancery, 'containing matters scandalous in respect to the said Master,' and 'attempting improperly to influence his conduct in a matter pending before him'"—(Mr. *Sexton*).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.	Noes, 9.
Mr. Sexton.	Mr. Gladstone.
Mr. Justin M'Carthy.	Sir Stafford Northcote.
Mr. Dillwyn.	Mr. Goschen.
	Mr. Whitbread.
	Sir John Mowbray.
	Mr. Plunket.
	Sir Charles Forster.
	Sir John Hay.
	Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph to insert the following new paragraph:—"The Select Committee, in the case of Mr. Charlton, felt it to be their duty, not only to consider (1) the character of the letter in respect of which he had been committed to prison, and the reason he had for believing certain statements made in that letter to be true, but also to investigate (2) the particulars of the contempt in order that the House might be informed of them, and might thereby be enabled to come to a decision upon the merits. The Committee observed, with reference to the letter, that whilst it appeared 'to be expressed in an intemperate and improper manner,' it had, however, been 'occasioned by information derived from the solicitor in the cause, the correctness of which Mr. Charlton had no reason to doubt,' and with regard to the particulars of the contempt, the Committee reported that, 'although the Lord Chancellor had the power to declare

what he deemed to be a contempt of the High Court of Chancery, it was necessary that the House of Commons, as the sole and exclusive judge of its own Privileges, should be informed of the particulars of the contempt before they could decide whether the contempt was of such character as would justify the imprisonment of a Member"—(Mr. *Sexton*).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph to insert the following new paragraph:—"The Select Committee on Privilege, in the case of Mr. Charlton, therefore, clearly laid down two principles, namely (1), that it was their duty to consider and report as to the grounds of the belief of Mr. Charlton in the truth of the statements, for which he had been committed, and (2) that it was their duty to ascertain and report the particulars of the contempt, in order that the House, as the sole and exclusive judge of its own Privileges, should be enabled to decide whether the character of the contempt had been such as to justify the imprisonment of one of its Members"—(Mr. *Sexton*).—Question put, "This paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Mr. John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph to insert the following new paragraph:—"Applying these principles to the case of Mr. Gray, your Committee have considered, in the first place, what grounds he had for believing that the statements made in the 'Freeman's Journal' newspaper, in the publications and articles, alleged to have been in contempt of the said court were true. Those statements charged that in certain cases tried before the said court, numbers of jurors of respectable position, belonging to the Roman Catholic communion, had been ordered by the Crown to 'stand aside,' whilst juries exclusively, or almost exclusively, Protestant, had been sworn; and also that certain members of a jury empanelled in a capital case had been guilty of misconduct in the hotel where they were lodged during the night which intervened between the commencement of the trial and its conclusion. Your Committee having heard the statement of Mr. Gray, and having examined the Papers handed in by him, and the several exhibits in the case, are of opinion that he had no reason to doubt the correctness of the statements made in the 'Freeman's Journal' newspaper, and alleged to have been in contempt of the said court"—(Mr. *Sexton*).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph to insert the following new paragraph:—"With regard to the second principle, adopted by precedent from the case of Mr. Charlton, namely, that although the judge had the power to declare what he deemed to be contempt, the House should be informed of the particulars of the contempt, in order to decide whether it was of such a character as to justify the imprisonment of a Member. Your Committee reiterate the expression of their opinion that Mr. Gray had no reason to doubt

doubt the correctness of the statements alleged to be in contempt; and your Committee, in this connection, refer to the report of the judgment delivered in the case by Mr. Justice Lawson, from which it appears that the learned judge declared that one of the legal questions for him to consider, in order to come to a decision, was whether the publications and articles in the 'Freeman's Journal' newspaper 'were intended to interfere with the administration of justice.' Your Committee are of opinion that in order to arrive at an equitable decision upon that question, it was essential to inquire whether Mr. Gray believed, and had reason to believe, that the statements contained in the publications and articles were true. It is evident that statements made in good faith, even though held to constitute contempt, must be held to constitute contempt of a character materially different from that involved in statements made, either with a knowledge of their falsehood, or without a reasonable presumption of their truth. But Mr. Justice Lawson, although he declared 'intention' to be a vital portion of the case, and thereby admitted to consideration the question of truth or falsehood, yet refused to hear a witness present in court, who tendered his evidence on oath, in support of the statements made in the 'Freeman's Journal;' and further, the learned judge declined either to allow Mr. Gray to go into the question of the truth of the statements, or to grant an adjournment of the case, which was sought for by Mr. Gray on the plea that he would be able to clear himself of any charge, as to the intention of the articles, and to prove that he had acted in good faith. Your Committee consider that Mr. Gray, who, it appears, had received but a few hours' notice (from the evening of the 15th August to the morning of the 16th) of the intention to proceed against him, should have been allowed, by a reasonable adjournment, due facility for the preparation and production of his defence, with regard to the intention of the publications and articles. Your Committee also consider that the evidence tendered on his behalf in court should not have been rejected. The rejection of this evidence and the refusal of an adjournment are open the more gravely to question, because, as it appears, the learned judge himself, in the course of the proceedings, repeatedly used expressions which left no doubt that he had already, by some method not indicated, brought his mind to a conclusion adverse to Mr. Gray upon the essential question of intention. Your Committee consider that a Member of the House, charged with contempt of court, should not have been denied those facilities for defence universally allowed to all who are charged with acts against the law. Your Committee also consider, upon the question of the character of the contempt, that Mr. Gray, having no reason to doubt the correctness of the statements made in the 'Freeman's Journal,' intended those statements not to 'interfere with the administration of justice,' but to secure the unimposed admission to the jury-box of persons duly qualified, without distinction of creed, and in the particular case in which misconduct was charged against certain members of a jury, to induce the executive to consider whether there was cause for recommending the extension of the Royal prerogative of clemency to the man who, on the verdict of the jury in question, had been condemned to death. Your Committee, after careful consideration of all the facts in evidence before them, have no doubt of the accuracy of the statement of Mr. Gray, that the motive of the publications in the 'Freeman's Journal,' was so to purify the administration of justice, as to secure and increase respect for the law. Following the precedent laid down, as hereinbefore recited, by the Select Committee on Privilege, in the case of Mr. Charlton, your Committee leave out of question the power of the judge to declare what he deemed to be contempt; but having ascertained and considered the particulars, declared to be contempt in the present case, your Committee, bearing in mind the law and usage of Parliament as to Privilege of Parliament, laid down in various statutes and numerous resolutions of both Houses, feel bound to report that, in their opinion, the character of the contempt was not such as to justify the imprisonment of Mr. Gray"—(Mr. Sexton).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin McCarthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Mr. Plunket.
Sir John Mowbray.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph—"It appears, moreover, that Mr. Gray was adjudged to be guilty of contempt because of publications and articles referring to trials which had concluded before the publications and articles declared to be contempt had appeared in the 'Freeman's Journal.' Your Committee are assured that it is the general practice of public journalists to comment freely in their journals on concluded trials, and the House may desire to consider whether a Member of the House should have been condemned to imprisonment, under the law of contempt of court, for having acted according to the settled usage of the public press, and whether, in the interests of independent public criticism of the administration of justice, it is any longer judicious to allow the law of contempt in this regard to remain

without definition and limitation"—(Mr. *Sexton*).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph:—"Apart from the questions raised in respect of the publications and articles in the 'Freeman's Journal,' it is apparent to your Committee that another question directly affecting the privilege of a Member of the House, and his right to attend in Parliament, was raised in the present case by Mr. Justice Lawson, and that it materially contributed to the judgment at which he arrived, and to the sentence passed by him upon Mr. Gray. The office of high sheriff of the city of Dublin is held by Mr. Gray for the present year, and as it is part of the customary duty of the high sheriff to attend upon the judges at the opening of the said commission court, Mr. Gray, on the eve of such opening, wrote a letter to Mr. Justice Lawson, stating that he expected it would be needful for him to go at once to Parliament, and expressing confidence that his absence from the court would not be attributed to any want of due respect. At that time the learned judge made no reply, but, in answer to an inquiry addressed to him by Mr. Gray some days after his committal to prison, Mr. Justice Lawson acknowledged the receipt of the letter sent to him by Mr. Gray before the opening of the commission, and declared that the excuse, as he termed it, for the absence of Mr. Gray from the court had been quite sufficient. Nevertheless, at the hearing of the charge against Mr. Gray, the learned judge, in reply to observations by the defendant as to the need of further time to prepare his defence, said, 'You are the high sheriff, and you are bound to be always in attendance in this court;' and subsequently upon the question of the alleged misconduct of certain members of a jury in the hotel, the learned judge declared that he held the high sheriff 'responsible for everything,' although the high sheriff, after notifying the judge of his intention, had proceeded to the House of Commons before the commission opened, and had remained continuously in attendance upon the House, and in the discharge of his Parliamentary duty, until after the jurors accused of misconduct had delivered their verdict and been discharged, and until after the trials commented upon in the 'Freeman's Journal' had concluded. There can be no doubt that the jurors in question, during their absence from the court, were in charge of the sub-sheriff and of sworn constables and bailiffs, and that the high sheriff was obliged to be absent, all the time, in London, on Parliamentary duty; yet it appears that the learned judge, because of such absence, rebuked him, imposed a serious disability on him in regard to the preparation of his defence, and even went so far as to punish him for his absence in Parliament; since, in delivering judgment, the learned judge declared, 'I think the position of Mr. Gray greatly aggravates his offence; I think he owed a duty to the court which he has most seriously neglected.' Your Committee deem it to be impossible to come to any other conclusion than that Mr. Justice Lawson inflicted punishment on Mr. Gray for having performed his Parliamentary duty, and your Committee are of opinion that this conduct on the part of the learned judge is a breach of the privilege of the House"—(Mr. *Sexton*).—Question put, "That this paragraph be there inserted."—The Committee divided:

Ayes, 2.

Mr. Sexton.
Mr. Justin M'Carthy.

Noes, 10.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Mr. Dillwyn.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph:—"Your Committee have to report that, in their opinion, the singularly anomalous condition of the law of contempt, demands the further attention of the House"—(Mr. *Sexton*).—Question proposed, "That this paragraph be here inserted;" whereupon
Motion

Motion made, and Question put,—“ That this Question be now put ”—(Mr. Gladstone).
—The Committee divided :

Ayes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph :—“ The Privilege of Parliament rests not only upon Resolutions of the Houses of Parliament, but is also distinctly recognised by various Acts of Parliament ”—(Mr. Dillwyn).
—Question put, “ That this paragraph be here inserted.”—The Committee divided :

Ayes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph :—“ The Resolution of the House above referred, asserting the law and usage of Parliament in respect of privilege, was passed on the 20th May 1675, and in 1831 a Committee of Privileges reported that it had been considered as established generally that privilege is not desirable for any indictable offence, assuming thereby the preferment of an indictment ”—(Mr. Dillwyn).—Question put, “ That this paragraph be here inserted.”—The Committee divided :

Ayes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph :—“ The Acts of Parliament which recognise the Privilege of Parliament, which may be quoted, are the 17th of Geo. II. c. 6, the 45th of Geo. III. c. 4, the 57th of Geo. III. c. 3, the 57th of Geo. III. c. 55, the 3rd of Geo. IV. c. 2, the 2nd and 3rd of Will. 4, c. 93, and the 44th of Vict. c. 4, all these recognise the exemption of Members of Parliament from arbitrary arrest until the matter of which he is suspected shall be first communicated to the House of which he is a Member, and the consent of such House obtained for his committal ”—(Mr. Dillwyn).—Question put, “ That this paragraph be here inserted.”—The Committee divided :

Ayes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Another amendment proposed, after the last paragraph, to insert the following new paragraph :—“ Various cases have been brought under the notice of Parliament in which Members have been committed for contempt of court in which the House, not insisting on its privileges, have not deemed it necessary to interfere, but these have been cases in which the contempt has consisted in a direct defiance of, or interference with, one of the superior courts, as in the case of Mr. Wellesley Long in 1831, who took a ward of Chancery out of the jurisdiction of the court, or as in that of Mr. Lechmere Charlton in 1837, who, in writing a letter

to one of the Masters in Chancery, attempted to interfere with an officer of the court in the performance of his duty with respect to a suit then pending. This latter case was referred to a Committee of Privilege, and your Committee consider it desirable to quote some extracts from their Report, which set forth the law and usage of Parliament in respect of privilege of Members. The warrant for Mr. Charlton's commitment set forth that he was committed by the Lord Chancellor 'for writing a letter to William Brougham, Esq., one of the Masters of the High Court of Chancery, containing matters scandalous with respect to the said Master, and an attempt improperly to influence his conduct in the matter pending before him.' The Report, after preliminary matter, state that the Committee 'are deeply impressed with the difficulty and importance of the question referred to them, in the absence of authorities to which they can refer as clearly in point and directly bearing on this particular case. It will be seen from the early cases that the ancient definition of Privilege of Parliament is, that it belongs to every Member of the House, except in cases of treason, felony, or refusing to give surety of the peace.

"These exceptions by the statement of the Commons in 1641 are further extended to all indictable offences; by their Resolution in 1697 to forcible entries and detainers; and in 1763 in conformity with the principle of the declaration of 1641, and of a subsequent resolution in 1675 to printing and publishing seditious libels; to which may be added the Resolution of the Lords in 1757 that Privilege shall not protect Peers against process to enforce the *Habeas Corpus*.

"The ordinary process for contempts against persons having privilege of Parliament or of Peerage has not been that of attachment of the person, but that of sequestration of the whole property, which has been found sufficient to vindicate the authority of the Courts, even in cases of some aggravation.

"It is stated by Blackstone that "contempts committed, even by Peers, when enormous, and accompanied with violence, such as forcible rescous and the like, or when they import disobedience to the King's writs of prohibition, *Habeas Corpus* and the rest, are punishable by attachment;" and the same doctrine has, on different occasions, been expressed by other writers and by judges of high authority.

"The only cases, however, in which attachments have been found by the Committee to have been actually issued against privileged persons are that of Earl Ferrers, by the King's Bench, and that of Mr. Long Wellesley, by the Court of Chancery, already referred to. The former was a case of disobedience to a writ of *Habeas Corpus* to which, while the discussion was pending, it had been declared by the House of Lords privilege of Parliament did not extend; the other was that of the forcible removal of a ward of the Court of Chancery, and placing her out of the jurisdiction of the Court, which obviously could only be checked by the most prompt and efficacious remedy.

"Since the sitting of the last Committee of Privileges, the Act of 2 & 3 Will. 4, c. 93, intituled, "An Act for enforcing the process upon contempts in the Courts Ecclesiastical of England and Ireland" has passed, by which contempts of the Ecclesiastical Courts, in face of the Court, or the process thereof, are directed to be signified to the Lord Chancellor, who is to issue a writ *de contumace capiendo* for taking into custody persons charged with such contempt "in case such person" shall not be a Peer, Lord of Parliament, or Member of the House of Commons"—(Mr. Dillwyn).—Question put, "That this paragraph be here inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Dillwyn.
Mr. Justin M'Carthy.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Paragraph 7, read.—Amendment proposed, in line 1, after the word "opinion," to insert the words "that the contempt which it is alleged that Mr. Gray committed was not of such a character as to justify the committal of a Member of Parliament"—(Mr. Dillwyn).—Question put, "That those words be there inserted."—The Committee divided:

Ayes, 3.

Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Noes, 9.

Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Question

Question put, "That this paragraph stand part of the proposed Report."—The Committee divided:

Ayes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Noes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Paragraph 8, read.—Question put, "That this paragraph stand part of the proposed Report."—The Committee divided:

Ayes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Noes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Question put, "That this Draft Report, as amended, be the Report of the Committee to the House."—The Committee divided:

Ayes, 9.
Mr. Gladstone.
Sir Stafford Northcote.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Noes, 3.
Mr. Sexton.
Mr. Justin M'Carthy.
Mr. Dillwyn.

Ordered, To Report, together with Minutes of Evidence and an Appendix.

Friday, 17th November 1882.

MEMBERS PRESENT:

The ATTORNEY GENERAL in the Chair.

Sir Edward Colebrooke.
Sir John Hay.
Mr. Justin M'Carthy.
Sir Charles Forster.
Sir Hardinge Giffard.
Mr. Dillwyn.

Mr. Whitbread.
Mr. Plunket.
Mr. Sexton.
Mr. Gladstone.
Mr. Goschen.
Sir John Mowbray.

Order of recommittal read as follows:—"That the Report and Minutes of the Proceedings be recommitted to the Select Committee, so far as they relate to a paragraph referring to the Law of Contempt, proposed to be added to the Report by Mr. Sexton."

The attention of the Committee being called to the proceedings on Tuesday, 14th November, so far as they relate to a Motion then made, "That this Question be now put," on an amendment proposed by Mr. Sexton that the following new paragraph be inserted in the Report: "Your Committee have to report that, in their opinion, the singularly anomalous condition of the Law of Contempt demands the further attention of the House," the Committee found that such proceedings were not within their power, and are null and void. Whereupon, in relation to the said amendment proposed by Mr. Sexton, Motion

Motion made, and Question put, "That in the judgment of the Committee the matter of the paragraph presented for insertion in the Report is not within the province of the Committee as defined by the Order of Reference"—(Mr. Gladstone).—The Committee divided:

Ayes, 9.

Mr. Gladstone.
Mr. Goschen.
Mr. Whitbread.
Sir John Mowbray,
Sir Hardinge Giffard.
Mr. Plunket.
Sir Charles Forster.
Sir John Hay.
Sir Edward Colebrooke.

Noes, 3.

Mr. Sexton.
Mr. Justin McCarthy.
Mr. Dillwyn.

Accordingly, the Amendment proposed by Mr. Sexton was not put.

Ordered, To Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Charles Ryan -	Shorthand Writer -	Dublin -	4	8 8 -	5 5 6	13 13 6
Mr. William C. Johnston	Shorthand Writer -	Dublin -	4	8 8 -	5 5 6	13 13 6
				TOTAL -	- - £.	27 7 -

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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MINUTES OF EVIDENCE.

Wednesday, 1st November 1882.

MEMBERS PRESENT:

Mr. Attorney General.
Sir Edward Colebrooke.
Mr. Dillwyn.
Sir Charles Forster.
Sir Hardinge Giffard.
Mr. Gladstone.
Mr. Goschen.
Admiral Sir John Hay.
Mr. Healy.

Mr. Justin M'Carthy.
Sir John Mowbray.
Sir Stafford Northcote.
Mr. Parnell.
Mr. Plunket.
Mr. Raikes.
Mr. Sexton.
Mr. Whitbread.

MR. ATTORNEY GENERAL, IN THE CHAIR.

Mr. EDMOND DWYER GRAY, a Member of the House; Examined.

1. Mr. *Sexton*.] You represent the County of Carlow in this Parliament?—
I do.
2. And you are High Sheriff of the City of Dublin for this year?—I am.
3. You are the proprietor of certain journals published in the City of Dublin, and, amongst them, of the "Freeman's Journal," a daily newspaper?—Yes.
4. Did you, as the proprietor of the "Freeman's Journal," receive on the 15th of August last a certain notice from Mr. Alexander Morphy, Crown Solicitor?—Yes, Mr. Morphy handed me this notice (*producing a paper*) on the evening of the 15th, I should think about seven o'clock. I was just leaving my house to go to a dinner engagement when he called upon me, and handed me this paper, giving me notice that an application would be made at eleven o'clock on the succeeding morning, based upon his affidavit, which was intended to be sworn, and proposing to commit me to prison for contempt of Court. The exact words are, a motion will be made "that an attachment do issue against you, and that you be forthwith committed to prison for contempt of Court." That was to be done on the succeeding morning.
5. Then the proceedings against you were so precipitate that, instead of serving a copy of a sworn affidavit upon you at seven o'clock in the evening preceding the application, you were served with a copy of an affidavit which was intended to be sworn at the sitting of the Court on the following day?—Yes, I was served with this copy of an "affidavit of Alexander Morphy, intended to be sworn on the 16th of August;" that was the succeeding day.
6. That copy of an intended affidavit referred to certain articles and letters in four different issues of the "Freeman's Journal," I believe?—Yes.
7. Issues of the 11th, the 12th, the 14th, and the 15th of August?—Yes.
8. You attended accordingly at Green-street Court-house at eleven o'clock on the following day, did you not?—Yes.
9. Was it impossible for you, in the interval between seven o'clock in the evening and eleven o'clock in the following day, either to instruct your solicitor

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Mr. GRAY, M.P.

[Continued.]

or to obtain the advice of counsel?—Manifestly it was ; I made no attempt to do so ; it was clearly impossible.

10. And your impression, I believe, was that the course that would be taken against you would be to name a future day upon which you would be asked to show cause against your committal for contempt of Court?—That was so confidently my impression that I absolutely left my letters open on my desk, and my business cheques unsigned, and went down expecting that, as a matter of course, some day would be named on which I should have an opportunity of appearing by counsel and making such defence as I could make against the sudden charge which was brought against me in that way.

11. And acting upon this natural misapprehension, you entered the Court utterly unprepared to make your defence?—Absolutely unprepared to proceed with a formal defence.

12. However, on the sitting of the Court, the Solicitor General for Ireland, Mr. A. M. Porter, made an application for your committal forthwith to prison, in respect of the articles and letters mentioned in the copy of the affidavit?—Yes ; and I made a statement not really entering either into the legal question or into the absolute merits of the case, for I did not consider myself competent to do so ; but I made a statement and applied for an adjournment. The Solicitor General objected to the adjournment on the part of the Crown, and I was then forthwith committed to prison.

13. Before we proceed further, I should like to ask you whether it is not the fact that an eminent legal opinion has been obtained, to the effect that in the event of a person being sentenced to punishment by fine, imprisonment, or bail, by a judge for an alleged contempt of Court, there is no right of appeal to any tribunal?—Yes ; that is to say, if the warrant of committal be in proper shape and form, and set forth that the person committed has been guilty of contempt of Court, the Court of Appeal will not go beyond the warrant ; it will not enter into the merits of the case at all. If the warrant is formal, I understand that there is no appeal.

14. Therefore, as you were shut out from relief by judicial means, and from any review of the proceedings in that way, you deem it all the more essential that the Committee and the House should review the circumstances of the case?—I should hope so. That is the only possible means of my vindicating myself from what I feel to be a very odious personal charge, which has been made against me in a large number of newspapers published in the United Kingdom, the charge that I prostituted my office of High Sheriff, and entered into a conspiracy to defeat the ends of justice.

15. And you are anxious, in your capacity of proprietor of the “Freeman’s Journal,” to defend that journal, which has been incriminated, and to show that you acted in good faith, and either upon reliable evidence or upon a knowledge of the facts?—Yes ; I am anxious to show that I acted in good faith throughout.

16. The Solicitor General for Ireland, Mr. Porter, in opening his application to the Court, grounded it upon the “publication of certain articles and other documents in the ‘Freeman’s Journal,’ reflecting upon the administration of justice in this Court, and calculated, in the opinion of those who represent the Crown, materially to interfere with the free exercise of their duties by those to whom the administration of justice is entrusted here.” I would ask you whether the motive of those publications in the “Freeman’s Journal” was or was not so to purify the administration of justice in that Court, as to increase and secure public respect for the administration of the law?—Certainly. The intention of the articles was to call public attention to what the conductors of the ‘Freeman’s Journal’ and I considered to be a gross abuse, with a view to the remedying of that abuse, and the consequent purification of the administration of justice.

17. The first article in respect of which proceedings were taken against you is the article marked A in the exhibit ; will you read it?—“Yesterday, at the Commission Court, the first jury trial under the recent Crimes Act took place. John Connor and three others, all natives of Kerry, were placed in the dock charged with, on the 17th March last, at Fahey, in the county of Kerry, having
attacked

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Mr. GRAY, M.P.

[Continued.]

attacked the house of Mrs. Maybury, the widow of an officer in the army. Under the ordinary law the men would have been tried in Kerry, where the alleged offence took place; but, availing himself of the provision in the Crimes Act, the Attorney General removed the case to Dublin; and under the same measure a special jury was empanelled from a joint county and city panel. The Crown exercised their right to challenge on a wholesale scale, and no less than 19 persons, some of them among our most respectable citizens, were ordered to 'stand aside.' The facts of the case will be found reported elsewhere. All the prisoners were convicted, but the jury accompanied their finding with a strong recommendation to mercy, and sentence was deferred."

18. Do you say that the article which you have just read is a simple unqualified record of facts?—Certainly.

19. You contend, I believe, that it is the right of any journalist to make such a record of any public proceeding?—Certainly. The Solicitor General characterised that article, which is a bare record of the facts, as "a most improper interference, by this public newspaper, with the administration of justice in your Lordship's Court;" and he said it was "absolutely intolerable" that it should be permitted to any individual, be he journalist, or whether he belong to any other profession or class in the community, to exercise that right of supervision over the proceedings of your Lordship's Court which belongs to your Lordship, and to your Lordship alone."

20. You submit that no right of supervision was exercised in this article, but that this article is simply and barely a record which you, as a journalist, had a right to make?—Certainly.

21. You have quoted the language of the Solicitor General. I will now refer you to the language of Mr. Justice Lawson. I believe he said, "If there is an imputation against the Crown for having packed a jury after the Commission is over, that may be inquired into in the proper place, but during the pendency of the Commission to attack the Crown for packing juries, and juries for acting improperly on insufficient evidence, and to attack the judge for rejecting evidence which he ought to have admitted, that is a state of things which cannot be tolerated." Therefore, Mr. Justice Lawson's view was, I suppose, that in the case of a man condemned to death by what you consider to have been a packed jury, you were bound to wait until the Commission had concluded, which, in the case of Francis Hynes would have been a week after his execution; in other words, that you were to wait until the man was hanged, and then protest against his conviction?—That is precisely the hypothetical case which I put to his Lordship; and, owing to the long adjournment of the Commission, it is what would have occurred. If there were abuses in the conduct of the jury, the "Freeman's Journal," as a public newspaper would not, according to his Lordship's view, have been entitled to direct public attention to those abuses with a view to obtaining a commutation of the sentence, or to draw the attention of the Crown to the facts until a week or ten days after the man had been hanged.

22. In other words, if you had waited to take action until the time indicated by the judge, such action would have been nugatory for any practical purpose?—Yes. Before you pass from that point, perhaps I may be permitted to direct the attention of the Committee to the facts with regard to the particular jury upon which the first article of the "Freeman's Journal" commented. It was in the case of John Connor, and others. I have a list of the Connor jury here, and I have a list of the entire names drawn from the ballot-box. I do not know whether the Committee quite understand the mode of selecting a jury under the Irish Act. The selection of the jury panel is a purely mechanical process. All the names of those who are entitled to be placed upon the panel; that is to say, for a special jury, those rated at 50 *l.* a year and upwards, are put upon the list in alphabetical and dictionary order. It is the duty of the sheriff or his representative to take the first name from the A list, the first from the B list, the first from the C list, and so on to the end of the alphabet, and then to commence again with the second from the A list, the second from the B list, and so on, until he has selected the requisite number, which in this case was 100 from the City Grand Jury panel, and 100 from the

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[Continued.]

County Grand Jury panel. That is an absolutely impartial and purely mechanical process—so impartial and mechanical that a dead man whose name is upon the list must be returned. The sheriff has no discretion whatever, and actually two men who were known to be dead were returned because the sub-sheriff, having taken a legal opinion, found that he must return them as he had no official knowledge of their death. Then in court the entire 200 names are called out. Opposite to each name is a number. The numbers of those gentlemen who answer to their names are placed in a ballot-box; they may amount to half the panel, or they may amount to more or less than that, according as the attendance is good or bad. That also is a purely mechanical process. All those numbers having been placed in the ballot-box, from them is selected a jury by drawing out those numbers one by one. A number is called, and then the name on the jury panel list corresponding with that number is read out. Thereupon, either the prisoner challenges the name, the Crown orders the man to stand aside, or he is sworn. That process goes on until twelve men to whom objection is taken by neither side are sworn in. Now what took place in the case of Connor was this.

23. That is the case referred to in the first article?—Yes. The prisoner challenged six jurors, the Crown set aside—not 19, as is erroneously stated in the article—but 20. Of those 20 set aside by the Crown, 18 were Catholics and two were Protestants, and an exclusively Protestant jury was selected. That is the case upon which the first article appeared in the “Freeman’s Journal.” There is no mention of the religion of the jurors in that article, but attention is called to the wholesale setting aside of respectable jurors by the Crown. I propose to hand in that list of jurors if I may be permitted to do so.

24. I shall have to ask you some questions later on respecting the constitution of juries in Ireland; but I wish first of all to ask you, did Mr. Justice Lawson use this language in pronouncing his judgment upon you? “In my opinion each and every of these articles constitute a grievous contempt of court. I think the earlier ones, containing those atrocious allegations about the exclusion of Catholics from the jury, are specially a contempt of court”?—Yes, according to my recollection the learned judge used those words.

25. Do you claim that the “allegation,” as it is called, contained in this first article, is a simple statement of fact?—Absolutely.

26. And that the term “atrocious,” or any similar term, is utterly misapplied to it?—It is a bald statement of fact; a very disagreeable fact perhaps to have brought out, but a fact.

27. Is it the fact, that of all the writings, articles, and papers, which appeared in the “Freeman’s Journal,” the letter of Mr. Edward Finucane, which appeared after the proceedings against you had been resolved upon on the Monday, was the only one which at all touched upon the action of the judge, and that the others were limited to the action of the Crown officials and the conduct of the juries?—Precisely.

28. Mr. Finucane had been summoned by the Crown as a witness, as I understand?—I believe so, and he was not examined.

29. In his letter to you complaining of that fact, which is one of the incriminated writings, he did not impeach the verdict or attack the judge, but simply used these terms. After stating the facts, he says: “I did not volunteer to give evidence, but feel surprised the law, of which Judge Lawson is the mouthpiece, refused to hear facts which no jurymen could doubt, and which would enable them to judge the state of mind the murdered man was in even before the awful occurrence.” That letter was simply a statement of facts, and an expression of surprise?—Yes; and I considered that after the trial was over it was a perfectly legitimate and proper thing for a journal to publish such a letter, inasmuch as it could not by possibility affect the verdict, or the legal aspect of the case. What may be legally inadmissible as evidence may be fairly a matter for the consideration of the executive, with a view to determine whether they will, or will not, carry out the sentence. I have always seen in English newspapers the fullest comments upon cases after they were concluded, and arguments brought forward for and against the carrying out of a capital sentence, not with the view of interfering with the administration of justice, the trial being all over

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over, but with a view to influence the decision of those who have to decide, whether the sentence shall be carried out or not.

30. I believe that all the writings in the "*Freeman's Journal*," except the extract marked B. on page 2 of the Paper before the Committee, appeared after the cases to which they had reference had closed?—Yes, all of them; and that was a comment upon the constitution of the jury; upon what I now call the jury packing.

31. Mr. Finucane was, of course, within the jurisdiction of the court?—Of course.

32. And liable, personally, for any infraction of the law?—Of course he was.

33. But no steps were taken against him?—No steps were taken against him. Another of the writers of letters for the publication of which I was punished was the prisoner's solicitor, who was an officer of the court.

34. He was Mr. John Frost?—Yes.

35. His letter was confined simply to what you call the jury packing?—Yes; it referred entirely to the jury packing. No steps were taken against him.

36. Your claim upon the whole is, that your comments as to the constitution of the juries touched only the conduct of the Crown officials and the agents of the Crown in the court, and did not at all impeach or derogate from the action of the judge?—Not at all, because he could have nothing to do with the constitution of the jury. He could neither challenge a jurymen, nor object to his being put on, nor order him to stand aside, nor anything else; he had, in fact, nothing to do with the selection of the jury; we complained of the action of one of the parties to the case.

37. Let me ask your attention to the second of the articles, that which is marked B. In that article you complained, or the "*Freeman's Journal*" complained, that "in the capital case, just as on the previous day in the Whiteboy case, Catholic gentlemen of admitted respectability and position were ordered to 'stand aside' when they took the Book to be sworn;" that is a simple fact, you say?—Yes, absolutely.

38. Did the Solicitor General when making the application against you, use these terms: "I admit that what this journal says as to the respectability of these gentlemen, some of whom we told to 'stand by,' is undoubted"?—He did.

39. So far, he admitted your case?—Yes, so far.

40. But he also said "that such an idea as investigating the religious belief of gentlemen has never entered into the contemplation of those representing the Crown"?—He did.

41. Do you think, upon a review of the facts, that the wholesale exclusion of Catholics, and the swearing, upon every one of the five juries which tried cases brought to Dublin under the Prevention of Crimes Act, of 12 Protestants upon each jury is merely an extraordinary coincidence, or do you think that it is reconcileable with the statement of the Solicitor General that such an idea as investigating the religious belief of gentlemen summoned as jurors had never entered into the contemplation of those representing the Crown?—I would believe absolutely anything which Mr. Porter stated with regard to his own intentions and knowledge, and if he had confined that statement to an assertion that it did not enter into his contemplation, I would accept his statement as absolutely true; but he does not speak for himself alone; and the fact is that over 60 Catholics were set aside, and we do not know how many more were set aside, owing to the action of the Crown officials in a subsequent case, after the comments had appeared in the "*Freeman's Journal*." Those being the facts, the Committee may judge for themselves, and draw what inference they please. I should have thought that that was evidence enough to hang a man.

Mr. *Sexton*.] Having asked what was the action of the Crown officials in the subsequent case referred to, a discussion took place as to whether or not the question could be put.

Mr. *Gray*.] If it will suit the convenience of the Committee, perhaps it may be better that I should follow the precedent of Mr. Whalley, and make a statement

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ment instead of being examined. Possibly in doing so I may have to travel shortly over some of the ground which has been already covered by the examination, but I shall endeavour not to do so, and I shall also endeavour to avoid making any charge against any person. I shall merely lay facts before the Committee, from which they can draw their inferences. The grounds upon which Mr. Justice Lawson committed me for contempt, or rather the publications which constituted the contempt, may roughly be divided into two classes. There were the articles or writings, charging the Crown with what I call jury packing; that is to say, setting aside Catholics from the juries, and selecting by that means juries composed exclusively of Protestants, or rather of non-Catholics, for there was one Jew on one jury. Those, I submit, were statements of simple fact, and I ask permission to show that they were not a contempt of court, or rather that they were true, for I really do not know what contempt of court is. Being a journalist, I once endeavoured to ascertain what a libel was, and the only satisfactory definition which I heard was, "Whatever 12 men find to be a libel." In the same way it appears to me that the only definition of contempt of court is what a judge finds to be contempt of court. That being so, I cannot undertake to say that what I did was not contempt of court; but I will endeavour to show that it was not deserving of punishment, inasmuch it was merely a simple statement of fact. I ask permission to lay before the Committee an entire list of the jury panel of the county of Dublin, and of the city of Dublin, and the list of those selected for the various juries sworn to try cases in Dublin brought up under the change of venue clauses of the Prevention of Crimes Act. It will show this state of things: that while the Dublin jury panel consisted, omitting dead men and duplicates, of 193 names (nominally 200 were returned); it was thus constituted: 112 Protestants, 80 Catholics, and one Jew; that the names drawn for the various juries were roughly in the same proportion, but that, owing to the system adopted by the Crown of ordering Catholics to stand aside, the juries were constituted, one and all, exclusively of Protestants, with the exception, as I have stated, of the one Jew who was placed upon one jury. I do not propose further to occupy the time of the Committee upon the subject, but to hand in that analysed list, in order to show that those statements in the "Freeman's Journal" were simple facts, and that they were incapable of any other interpretation than that which the "Freeman's Journal," as a public newspaper, put upon them, namely, that the Catholics were excluded because of their religion (*handing in the lists*). Far from making any attack upon the honourable and learned gentleman the Solicitor General for Ireland, or anyone else, I, for one, absolutely accept his statement, that when he formally challenged those persons, he did not do so with reference to their religion. I believe the probability is, that he knew nothing whatever about their religion; it is the minor officials who deal with all these matters, and they simply tick the list with black and red marks, or something of the kind, and the counsel act with reference to those marks; therefore, I perfectly accept the statement of the learned Solicitor General, but I place the facts before the Committee, and I say that it is impossible to draw from them any inference except that which the "Freeman's Journal" drew, and I contend that it was the duty of the "Freeman's Journal" to direct attention to that state of affairs. I believe that Lord Cairns (then Sir Hugh Cairns) when a number of Catholics were placed upon a jury which tried a case in the north of Ireland, directed attention, in very forcible language indeed, to that state of affairs, and made a strong attack upon Mr. O'Hagan, the then Solicitor General. I propose merely to put in the lists showing the facts, as my justification upon the first point. The other alleged offence was the publication of certain charges against a particular jury, the jury who were sworn to try the Hynes' case. The contempt consisted in the publication of a letter by Mr. William O'Brien stating that the jury had misconducted themselves in an hotel on the night on which they were locked up. They were sworn on the night of Friday, the 11th of August, and they found their verdict on the Saturday. That letter was published on Monday, the 14th, that is to say, two days after the jury was discharged and after the man had been found guilty; at a time, therefore, when

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it was absolutely impossible to influence his fate in any way, except by an appeal to the discretion of the Lord Lieutenant as representing Her Majesty, and having the power of commuting the sentence or pardoning the person who had been convicted. It could not be construed in any way into an attempt to affect the trial, because it was published two days after the trial was over. That letter was published with absolute *bona fides*. I myself had arrived in Dublin on the day on which the letter was received. It so happened that I knew the writer very intimately; he had been upon the staff of the "Freeman's Journal" for some time, and I knew him well, and believed him to be a man absolutely incapable of stating what was not true. Believing the letter to be a *bona fide* statement of facts, and believing the disclosures contained in it to be, if true, such as ought to be brought under the attention, not merely of the Court, and not merely of the Crown, but of the public, we, as public journalists, and in the discharge of what we believed to be our duty as public journalists, published that letter, taking what we considered to be our proper risk; that is to say, that if any of the jury considered themselves aggrieved or libelled they could have proceeded against the proprietors of the newspaper either by means of a civil action or by a criminal indictment. That letter, the Solicitor General stated in Court, when applying for my instant committal to prison, it was my duty to have suppressed; and he based his argument upon the fact of my being high sheriff at the time. But I considered that I ought to discharge my duties as a journalist with sole regard to my being a journalist, and my duties as high sheriff with sole regard to my being high sheriff, and that it was not at all my duty to suppress publications in the "Freeman's Journal" because I happened to be high sheriff. These statements and these allegations of misconduct on the part of the jury, whether they were true or false, were supported ultimately by a number of sworn affidavits, which were read in the House, and are to be found in the pages of Hansard. I understand that those affidavits have been met by counter affidavits on the part of the jury; but we know nothing whatever of those counter affidavits, for they have never been made public, and there is no means of comparing the two; but to show that there was at least a *prima facie* case for the statements which were made, I would point to the fact that, in support of these statements, there are a number of affidavits sworn by a number of people who had no interest in swearing a falsehood. I wish to point out what I think was a very grievous hardship to which I was subjected in connection with this accusation. The learned Solicitor General in his statement said that these matters could not possibly be inquired into, and the truth or falsehood of them could not be ascertained; that there was no means of ascertaining it. The learned judge also stated that they could not be enquired into; that if there was an action for libel that would be the proper time for enquiring into them, but that there was then no means of enquiring into them. Now, as a matter of fact, two days before my committal to prison, Mr. Alexander Morphy, the gentleman who swore the affidavit against me, and who was the Crown Prosecutor in these cases, went to the hotel, saw the proprietor, made enquiries into the facts, and was told by the proprietor that the less enquiry he made the better, for the facts were as stated in the letter. He sat in court, representing the Crown, while his counsel stated that the facts could not be enquired into, and while the learned judge stated that he utterly disbelieved the allegations, and treated them as inventions; he kept silence, he permitted me to be sent to prison, although he had made enquires, and had, so far as those enquires went, ascertained that the facts were as stated in the letter in the "Freeman's Journal." The learned judge said that he could not enquire into those facts, and in course of his judgment he said (and now you will see the importance of a little observation, which is omitted in the newspaper reports), that he understood that the statements were based upon the hearsay of a waiter. While he said that they could not possibly be enquired into, he at the same time disclosed that to a certain extent he had enquired into them, from what source I cannot tell; but by what fell from his own lips he showed that he had enquired into them. He stated that he quite believed the assertion of the foreman of the jury, Mr. Barrett, who had simply risen in court and said that those statements were untrue. Mr. Justice Lawson stated that he accepted that as a vindication of the

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jury, and believed that the allegations were pure inventions, while the writer of the letter was in court upon the day when I was committed, and offered to tender his evidence upon oath that the statements which he made were true, but the learned judge ordered him out of court, and refused to listen to him. Therefore, I contend that I was condemned upon an *ex parte* statement of the case, and that the learned judge accepted unsworn evidence against me, while he refused to receive sworn evidence for me. The usual form, I believe, in these cases is to call upon the defendant to appear and to show cause why an attachment should not issue against him. I believe that that is the usual process, and I am not myself aware of any single case of considerable importance (which this undoubtedly was), in which the defendant was refused a reasonable adjournment for the purpose of preparing his defence. I applied for such an adjournment; I stated that if I had committed any fault, if I found that the statements contained in the "Freeman's Journal" were erroneous or untrue, I was ready to offer the fullest possible apology to the Court, and I was ready to make any reparation that was in my power, or to submit to any punishment which the Court might think it right to inflict. I asked for an adjournment in order to ascertain the facts and to consult counsel, and to prepare my defence, but I was forthwith sent to prison. There was a strong array of Crown counsel on the other side; I do not know how many, but five or six, I think, and yet I was refused an adjournment for even a single day for the purpose of consulting counsel and preparing my defence. In fact, so harshly was I treated that I was not permitted even to go round to my office or my private house to settle my affairs; I was hurried off forthwith to prison. I do not say that I have any right to complain of that, but what I do complain of is that I was afforded no opportunity of preparing my defence; and although it so happened that there was a witness, viz., the writer of the letter, in court, ready to avow himself to be the writer of the letter, and to prove on oath the facts which he had stated in it, the learned judge rejected that evidence, while he accepted as gospel mere verbal statements, not on oath at all, against what had been stated in the "Freeman's Journal." All that the "Freeman's Journal" asked in connection with this alleged misconduct of the jury was an inquiry; the learned judge stated, in sending me to prison, that no inquiry could possibly be had, and the Crown counsel stated the same; but on the succeeding day, in the House of Commons, the Attorney General for Ireland stated that, if the facts were at all of the character set forth in the affidavits, they were very terrible, and that inquiry should be had. Inquiry was had, but, as a matter of fact, I was put in prison for asking for an inquiry which the Crown subsequently granted. The "Freeman's Journal" did not presume to declare whether the facts were true or false; but it did say that such charges, made upon the authority of a gentleman known to the conductors of the paper to be a man of honour, were of a character demanding inquiry. Ultimately an inquiry was granted, but I was punished, and severely punished, for asking for the inquiry. I am very anxious to clear up a personal matter about which I felt, and still feel, perhaps more strongly than about anything else. The Committee may possibly report that all that I have said up to this is irrelevant; but I do trust that it will see its way, if possible, to exonerate me from a very odious charge which has been made against me in my capacity as high sheriff by a large number of newspapers in the United Kingdom. It has been suggested that I, as high sheriff, against the will of the jury, had them brought to what is called a Land League hotel; that lying in wait in this Land League hotel was Mr. O'Brien, the editor of a Land League newspaper, "United Ireland," who, by my assistance (I, as high sheriff, having brought the jury there), concocted a charge against the jury for the purpose of invalidating their verdict in Hyne's case, and that then, in furtherance of this conspiracy, I published it in the "Freeman's Journal," the entire object being to secure that this man Hyne, who had been convicted of murder, should not be executed. Now, the day before the Commission opened, I, in the discharge of my Parliamentary duties, found it necessary to go to London. It was just at the time, as well as I remember, when there was danger of a dispute between the House of Lords and the House of Commons over the Arrears Bill, and I thought it essential that

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that I should be in London. I therefore wrote to the learned judge in these words, my letter being dated the 2nd of August:—"My dear Judge Lawson,—I may be compelled to go to-night to London on Parliamentary business. I am not yet sure. If I have to go I am confident that you will not attribute my absence at the opening of the Commission to-morrow to any want of due respect for your Lordship." Mr. Justice Lawson did not reply to that letter, and I took his silence as a tacit permission to go to London. It is well known to the Committee that the duties of high sheriff are purely nominal, and that a sub-sheriff is sworn in, who gives security, and does all the work. However, after the learned judge had sent me to prison, I thought it was of some importance that I should bring out the fact that I had gone to London with his Lordship's, at least tacit, permission. I therefore wrote to him in these terms: "Richmond Bridewell Jail, 20th August 1882.—"My Lord,—Under the circumstances which have since arisen, I hope you will consider that I am entitled to ask of you, as I now do, a formal acknowledgment of my letter addressed to you immediately before the opening of the present Commission, in which I informed you of my contemplated absence from your Court, and requested you not to attribute it to want of respect for your Lordship or the Court." To that letter I received this reply, which I am desirous to put in (*handing in the same*):—"Green-street, 21st August 1882.—Sir,—In reply to your letter of yesterday, I beg to say that I did receive a letter from you, prior to the opening of the Commission, in which you stated that your Parliamentary duties would compel your absence from the Commission, and trusting that I would not attribute it to any want of respect. It was not from any want of courtesy that I did not reply to that letter, but I considered that it did not require any answer, as the excuse for your absence was quite sufficient, and you did not ask for, nor did you require, any formal leave of absence from me. I have the honour to be, Sir, your obedient Servant, *James A. Lawson*." Now when I made such statement as I could before Mr. Justice Lawson, I pointed out to his Lordship that the notice which I received was of an exceedingly summary character, that I had received notice the night before that application would be made to send me to prison, and I suggested to him that the usual course was that I should be asked to come and show cause why an attachment should not issue against me. The learned judge said this, "You are the high sheriff, and you are bound to be always in attendance on the Court." Subsequently I represented to him that although possibly there was a nominal responsibility of that kind attached to the high sheriff, and both the Crown and the judge considered that my misconduct was greatly intensified by my being high sheriff, and an officer of the Court, yet I represented to the judge that the persons really in charge of the jury were the bailiffs and others who were sworn in in the presence of the Court to take charge of them, and that a high sheriff never really did take charge of a jury in that way, and he was not at any rate criminally responsible for any neglect on the part of those persons who are sworn in to take charge of the jury. The learned judge said this, "As has been already stated by the Solicitor General, you, as high sheriff, had the custody of those jurors, and it was your duty to see that they conducted themselves in a proper and becoming manner. I must assume that you did your duty, and I decline to enter into any such inquiry;" and when I said then that "the high sheriff nominally has custody of the jurors, but it is well known, and the Solicitor General must have been aware, that though the high sheriff is nominally responsible, the sub-sheriff and his officers do the entire work," the learned judge said, "That does not render the high sheriff less responsible; I hold you as high sheriff to be responsible for everything;" and when I said then that the men who are sworn in (the bailiffs and policemen) to take charge of the jury for the night, are really the persons responsible for any misconduct, if misconduct occurs, he again interrupted me, and said, "That is an entire mistake, the jurors are delivered into the custody of the high sheriff, and the bailiffs who are sworn are under the authority of the sheriff to assist him in taking charge of the jury." Now, as I have already stated, in accordance with the tacit permission of the learned judge, confirmed by his letter, which I have now handed in, showing that I had his

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permission for my absence, I was during the whole of those proceedings in London. I was in London for many days before Hynes was put upon his trial. I made a somewhat longish speech on the Friday (the day when the jury was sworn) upon an Irish postal contract in the House, and I did not return to Dublin until the Sunday after the jury were discharged. I knew nothing whatever of what arrangements were made for their custody; I left that, as other high sheriffs have done, in the hands of my sub-sheriff. I subsequently asked the sub-sheriff how he came to select this particular hotel (the "Imperial"), and I found that he had selected it because the hotel nearest to the Court was full, as most of the hotels were, it being the week of the opening of the Exhibition, and the unveiling of the O'Connell Monument; in fact, he selected this hotel as being the one which was the most convenient he could get. Any gentleman who knows Dublin, certainly the honourable and learned Member for the University of Dublin will know that the Imperial Hotel is a respectable hotel, and one to which it was quite proper to send a jury.

42. Mr. *Plunket*.] I do not wish to interrupt you, but as you appeal personally to me, I may say that I believe it is the fact that the jury objected to go there themselves, or at all events that they had done so?—I inquired about that, and I found that one of the jury did object to the Imperial Hotel, but not at all upon the ground of its being a Land League hotel, or anything of that kind, but because he wanted to go to the leading hotel, in Dublin, the Shelburne Hotel. Now the Crown has a strong objection to paying high bills, and the charges at the "Shelburne" would have been higher than the sheriff would have been able to get from the Crown; and, therefore, and solely for that reason, the sub-sheriff refused to take the jury to that hotel. The sub-sheriff, Mr. James Campbell, is, I am sure, well known to the Honourable and learned Member for the University.

43. You really must not appeal to me. I happen not to be acquainted with Mr. James Campbell?—He is brother to a man who is well known in Dublin, Mr. Alderman Campbell. He was sub-sheriff to my predecessor, who is a very strong Conservative. I merely nominated him, finding him there. He certainly could be no instrument of any conspiracy on my part to bring the jury to a Land League hotel, to have them entrapped into committing themselves in a way which would tend to invalidate their verdict. Although I feel that I am occupying the time of the Committee too long, I should like to read one specimen of the attacks which have been made upon me throughout the kingdom, but which I have not had time or opportunity to rebut. This is an extract from the "Whitehall Review." "Now as to Mr. Gray, from the fact of his being high sheriff, the jury in the Hynes' murder case were in his charge, and, much against their openly expressed wish, they were brought to an hotel patronised by the Land League. A corridor was set apart for them to sleep in, but, strange to say, one of the rooms in the said corridor was occupied by a person closely connected with one of the most inflammatory Land League papers in existence. Next, we have a letter stating that the jury were drunk, and an article stating that jurors were excluded, because they were Roman Catholics. Both appeared in the 'Freemans' Journal,' and both were equally false. The object sought is plain enough to the common sense of anyone." That is the kind of charge which has been made against me. Now I have a letter here from Mr. O'Brien. I need not read it in full. It is a statement as to how he came to be in the hotel. It so happens that Mr. O'Brien has lodged in that hotel ever since the death of the last surviving member of his family. He had lodged there for many months. He was there at the time when the jury were there simply because he had been a lodger there for a long period previous.

44. Mr. *Sexton*.] And had occupied the same room, I believe?—Yes, he had occupied the same room during the whole of that time. The jury were put in that corridor by the proprietor of the hotel, because the hotel was nearly full, and there was no other place to put them in. So that really this charge of a conspiracy between me and Mr. O'Brien and the sub-sheriff and the bailiffs to entrap the jury into committing themselves, is one which is absolutely without any kind of foundation, and it certainly is one which has pained me very considerably,

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siderably, because it is an exceedingly odious charge. I wrote to His Excellency the Lord Lieutenant stating that this charge had been made against me, and asking that in connection with the inquiries which he had undertaken to make with regard to the conduct of the jury, he should also inquire into my conduct as High Sheriff, because I certainly held that I should either be exonerated from a charge of that kind, or be deprived of my office. But neither was done; and, therefore, I have trespassed so far upon the attention of the Committee with regard to this matter, in order to show that I am innocent of anything like that which has been imputed to me. I was in London during the whole of the time. I was in London long before the jury were sworn; I was in London during the whole of the trial; I did not return to Dublin until the day after the jury were discharged. I knew nothing of the proceedings which were taking place. I did not know that the jury were locked up. I did not concern myself with the trial until after it was over. I arrived in Dublin on the Sunday. On the Sunday night, at my office, this letter from Mr. O'Brien was put into my hand. I knew his handwriting. I knew him to be a man incapable of stating anything which he knew to be false; and in the discharge of what I considered to be my duty as a public journalist I published it. I do not know that it is necessary for me to occupy the time of the Committee very much longer. Perhaps it is worth while to state that I do not know whether a precedent could be found for subjecting a prisoner who is what is known, in prison parlance, as a misdemeanant of the first class, even though he might not have occupied the official position of High Sheriff of the city, to the prison of which he was about to be sent; I say I know of no precedent for subjecting him to the ignominy of being sent in a black van; but that was the proposition of the Executive with regard to me; it was not carried out, because the person into whose custody I was handed, the City Coroner, refused to send me to prison in the black van. Take the case of Colonel Baker, or any person who has been sent to prison as a misdemeanant of the first class, I am not aware that any of them was subjected to the personal ignominy involved in such a procedure. It is right that I should also point out that while I only got a few hours' notice, and those hours in the night, which were quite useless to me, it is tolerably clear that this whole proceeding was pre-arranged, for Mr. Morphy, the Crown Prosecutor for Clare, wrote the day before to the City Coroner, who it appears is the officer who discharges the duty of the High Sheriff in the absence of the High Sheriff, telling him to be in Court on the morning of the 16th. I have his letter here (*producing the same*). It was not quite a straightforward letter, but he asked the City coroner to be in Court to give information; it is in these terms:—

“[Pressing.]—13, Lower Ormond Quay, 15th August 1882. Dear Sir,—I have been directed to request you to attend at the Commission Court, Greenstreet, at eleven o'clock to-morrow (Wednesday) morning, as the Solicitor General may have to refer to you for some official information.” Of course there was no official information which the City Coroner could give; he was simply brought there for the purpose of taking me into custody. Notice was not given to him of what he was brought there for; he was brought there on the pretence that some official information was required from him. I do not know that I can say anything with regard to the question whether my committal was legal or not. The learned Judge stated that there were many precedents for such a course, but he only quoted one, and that was very curious; he quoted a precedent created by himself. In Belfast, in the year 1873, Mr Justice Lawson sentenced Mr. Maclise, a journalist, to four months' imprisonment, and to a fine of, I think, 300*l.* or 500*l.* for alleged contempt of Court in commenting upon a case which had concluded; his contention being, that during the entire sitting of the Commission a journalist was not free to comment upon any case while the Commission, at which that case had been tried, was still sitting. Now, I believe, although I do not venture to assert it in the presence of the learned gentlemen upon the Committee, who know so much more of the matter than I do, that that is the only precedent in existence for treating a comment on a concluded case as contempt of Court. The learned Judge having made the precedent himself quoted it in my case as a precedent for punishing me in a similar manner. I do not know whether the fact of his once having created that precedent makes it law. I certainly was

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under the impression, I may say strongly under the impression, that a journal or an individual was absolutely free to comment upon a case after it had concluded. Now all these comments with regard to the verdicts were comments upon concluded cases; the only comment which was on a case while it was still pending was a comment not upon the Court, but upon the conduct of the Crown officials in selecting juries in a particular manner. I am aware that the Order in the Maclise case was appealed against, and that the Court of Queen's Bench held that it was good, but the Court of Appeal never enters into the merits of a case of contempt at all. It simply calls for the production of the warrant, and if the warrant is formal, and sets forth that the prisoner has been committed for contempt of Court, that is sufficient. I speak of the warrant of a court of record. There is an appeal, I believe, in the case of an inferior court. If the warrant of a court of record is formal, and sets forth the fact of a contempt having been committed, the Court of Appeal will not look beyond the warrant; it will not go into the merits at all. In Mr. Maclise's case, Mr. Justice Lawson's warrant was formal, the Court called for it, and found that it was formal, and upheld the judgment. I believe that the Committee, if they go into precedents, will find what I state to be true; that there is no precedent in England at all, and no precedent in Ireland except one created by Mr. Justice Lawson himself, for treating comments upon concluded cases as contempt of Court. I do not think I need occupy the attention of the Committee further. I do not wish at all to go into the personal charges which were made against the jury; those may be true; they may be false, or they may be exaggerated; I do not wish to press them, because I have had only one side of the case before me. I have no means of ascertaining what counter affidavits were put before His Excellency the Lord Lieutenant; all I say is that the letter in the "Freeman's Journal" was published *bonâ fide*, and on sufficient *primâ facie* evidence to justify its publication; that it called for an inquiry, and that the Crown, notwithstanding the statement of the learned Judge, and the learned Solicitor General, granted that inquiry; I submit that that was sufficient to show that the publication in the "Freeman's Journal" really was in the interests of the public, and in the interests of the administration of justice. It was solely with those motives that the publications were made. Neither I, nor any other person connected with the "Freeman's Journal" had the remotest idea of defeating the ends of justice, but had every intention of commenting upon the administration of the law if we thought it to be improper, as we did in this instance. I ask the permission of the Committee to put in the jury lists, but I do not go into the question of the conduct of the jury, further than to say that it will be easy to find in the pages of Hansard sworn affidavits, which were of such character as to impress the Lord Lieutenant with the absolute necessity of making an inquiry into the case. I may add that it has been acknowledged by a member of the jury, Mr. Hamilton, in a letter, that the jury separated. Whether they misconducted themselves otherwise, whether they were drunk, as was suggested, or not, may be a matter of doubt; but that they separated, that some of them went into the billiard-room and played billiards with members of the public, while others were engaged in other portions of the house, is acknowledged. Certainly that is a matter to which I think a public journalist ought to direct attention if it came within his knowledge; and if I had suppressed, as the Solicitor General said I ought to have done, these facts, and that man had been hanged, I should have felt that his blood was on my head. I should have felt that, instead of doing my duty, I was guilty of neglect, and indeed of a gross dereliction of my duty. That fact, which I consider perhaps the most important fact of all, that the jury separated and mixed with the public is an acknowledged fact. I think I need not occupy the time of the Committee with any further statement, but I shall of course be happy to answer any questions that may be put to me. I omitted one small point which perhaps I may mention, to show the use of public discussion in this matter in the columns of the press, and the effect which it has; I have explained already to the Committee the method of selecting the panel, and the method of selecting a particular jury; the names are taken out of the ballot-box one by one; each name and number is read aloud by the Clerk of the Crown, and the particular individual

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individual is then either ordered to stand aside by the Crown, or challenged by the prisoner, or sworn in. After the appearance of the article in the "Freeman's Journal," pointing out the exclusion of Catholics from the jury, the Crown officials adopted a different course; they only read out the number, not the name. Mr. Anderson, or whoever has the decision of who shall and who shall not serve upon a jury, ordered the persons to stand aside by number, not by name. That deprived the public and the press of the opportunity of ascertaining what individuals were ordered to stand aside, and whether they were Catholics or Protestants; that course was adopted upon the trial of Walsh, which was the next after the trial of Hynes, upon which the comments appeared. The old method was subsequently reverted to; but for that one trial the usual course was departed from; I do not know from what motive it was done, but it had the effect of preventing the public from ascertaining who was ordered to stand aside.

45. Mr. *Plunket*.] Were you present yourself when the second trial that you have just referred to occurred?—No, I was not, because I was in prison; but the circumstances were published in the public press, I think in all the papers, and they were not questioned. If you have any doubt about them, I am sure, if you ask the learned Solicitor General, he will corroborate my statement; he was present.

46. Mr. *Sexton*.] Did Mr. Justice Lawson, in delivering his judgment, say, "I think the position of Mr. Gray greatly aggravates his offence. I think he owes a duty to the Court which he has most seriously neglected"?—Yes, he used those words.

47. Did you in the course of the case strongly appeal, in these terms, for an adjournment: "As, owing to the circumstances I have stated, I am here without any professional assistance, I would ask your Lordship to adjourn this case for such time as you may deem fit in order to afford me an opportunity of procuring professional assistance, with the view of putting in such form as I may be advised the facts which I have indicated in my statement." And again, "I would ask your Lordship, under the circumstances, to give me an opportunity of procuring professional assistance." And again, "I certainly was under the impression that the usual form of such an application was that the person accused should be required to attend before the Court to show cause; that the usual course was that of an *ex parte* application to fix a day when the case should be heard, and the accused person permitted to come before the Court, and show cause against the application"?—Yes, I asked for an adjournment in those terms.

48. Did the learned Judge say, "You are the High Sheriff, and you are bound to be always in attendance on the Court"?—He did.

49. You have said that on the day before the opening of the Commission you informed the judge that you lay under the necessity of attending to your duties in the House of Commons?—I did.

50. And four days after he committed you to Richmond Prison you again wrote to the learned judge upon that subject?—I did.

51. Reminding him of your former letter, and requesting him to acknowledge it?—I did.

52. And he replied to you under date the 24th August (five days after the committal), "It was not from any want of courtesy that I did not reply to that letter, but I considered that it did not require any answer, as the excuse for your absence was quite sufficient, and you did not ask for, nor did you require, any formal leave of absence from me"?—Yes.

53. Therefore did the matter stand in this way: the learned judge stated under his own hand that there was sufficient reason for your absence in the House of Commons, whereas in another statement he said that you were bound as High Sheriff to be always in attendance on the Court in Dublin, and it was in view of your being so bound to be present that he refused your application for an adjournment?—Yes; my impression is that the learned judge forgot the fact that I had been absent with his permission.

54. Mr. *Justin M'Carthy*.] I presume you read the London newspapers?—Yes

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55. Is it the fact that the English papers generally make a great distinction between comments on a trial after the verdict has been given, and comments while it is going on?—Certainly, and the Irish papers also.

56. Is it not the fact that the London papers frequently comment unfavourably upon the verdict of a jury, or upon the conduct of a learned judge, after the verdict is given, with a view to affect the action of the Crown?—Constantly, I think.

57. Do you remember some years ago a murder case (we can give the names afterwards, if necessary), in which a London newspaper published a letter saying that the jury had tossed up for their verdict?—Yes, that was the Mainwaring case, I think; I recollect that case.

58. Do you recollect that on that occasion, instead of there being any proceeding for contempt of court, Sir Richard Cross, the then Home Secretary, instituted an inquiry into the matter?—Yes, I recollect his stating so in the House.

59. Do you recollect that it was found out that the jury had not tossed up for their verdict, but had simply tossed up for the choice of the foreman?—Yes.

60. Is it not the fact that the extreme punishment was in that case remitted?—I believe so. Sir Richard Cross, I believe, stated that although there was nothing absolutely wrong, still he was not inclined to have the sentence carried out upon the verdict of a jury who could act so lightly in a grave case; and the punishment was commuted.

61. Was the proprietor of the newspaper committed for contempt of court?—No.

62. Do you remember that severe comments were made upon a charge of the late Sir Samuel Martin by a London newspaper?—I do not.

63. Do you remember a case in which very severe comments were made upon a charge of Sir John Coleridge?—His charges were often subjected to comments.

64. Comments made with a view to induce the Crown to modify the punishment?—Was that the Penge case? I may shortly state that my experience as a journalist is this: whenever a case is of public interest, the Press of the United Kingdom freely comment upon all the circumstances connected with it when once the verdict has been given and the case is decided. In the Penge case, I think, there was a commutation of the sentence passed on one of the prisoners in consequence of the comments of the Press upon it. However, it is a very common thing. The only rule of the Press in such a case is that it does not comment if the case is not one of public interest; if it is one of public interest it considers itself free to comment in the fullest possible manner when once the case is decided.

65. Even the conduct of the Judges has frequently been commented upon in severe terms?—Constantly, and the exclusion or admission of evidence.

66. Mr. *Plunket*.] With reference to your statement about your absence in London, I think it is as well to be clear about the dates. When was it as a matter of fact that you returned from your attendance in Parliament?—I arrived in Dublin again on the morning of Sunday the 13th; the jury were discharged on Saturday the 12th. I spoke in the House of Commons on Friday, and left London the following day, the Saturday.

67. Were you in London during the time when those papers appeared in the "Freeman's Journal" which were relied upon when you were committed by the judge?—Not the comments on the jury packing, but I was in Dublin at the time of the publication of Mr. O'Brien's letter, and I avowed at the hearing of the case that I was not only responsible for it as conductor of the paper, but personally responsible, for I wrote the article which constituted a portion of the contempt.

68. What I wish to clear up is this: as I understand it, the intention of the Crown to move the learned judge to commit you for contempt of court was first declared on the 14th, the Monday, in court, when a juryman made a complaint; so it appears in the "Freeman's Journal" of the 15th?—Not exactly; there was intimation that the Crown was about to take notice of it.

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69. It appears in the "Freeman's Journal" of the 15th, in a report of what took place on the 14th; you were in Dublin at that time?—Yes, I was in Dublin at that time.

70. From your previous evidence I gathered that the interruption which the learned judge made in your statement was with reference to your not having received notice of the intention to call you before the court, and that it was *apropos* of that that the learned judge said, "You are High Sheriff." It was not as regards your responsibility for the articles which appeared in the "Freeman's Journal" in the previous week before your return to Dublin, that that interruption by the learned judge took place. It had reference to your having had notice during the time when you were in Dublin?—That was so with regard to that particular interruption; but the subsequent interruptions referred to my responsibility as having the personal charge of the jury, and as being criminally responsible while I was absent.

71. I was calling attention to that particular interruption?—That particular interruption referred to the question of notice. But there was no notice because it was simply stated on the Monday that the matter would be brought under the attention of the court on the succeeding Wednesday; that was with reference to the conduct of the jury; there was no notice as to the jury packing.

72. I only wanted to clear up the facts as to the time when you were in Dublin?—I was in Dublin on the Sunday, the Monday, the Tuesday, and the Wednesday.

73. Mr. *Healy*.] With regard to the question of notice, about which the honourable and learned Member for Dublin University just put a question to you, is it not the fact that on the Monday or on the Tuesday the Attorney General for Ireland was questioned in the House by, I think, Mr. Lewis and Colonel Tottenham, with regard to this question of contempt, and that he stated on behalf of the Government that proceedings would be taken on the next day in Dublin in order to put a stop to practices of that kind?—As a matter of fact, I did not see a report of what the learned gentleman said, but I read it afterwards; and what he did say was that very effective steps were about being taken. That referred to some question which was put by the honourable Member for Leitrim, I believe, or some other honourable Member, with respect to the charges in the "Freeman's Journal" with regard to jury packing. The honourable and learned gentleman the Attorney General said that very effective steps were about being taken; and that statement, which I now understand, although I did not understand it at the time, was received, according to the reports, with loud laughter.

74. Mr. *Sexton*.] All that the Solicitor General said in court on the Monday was that on the Wednesday he would ask the attention of the court to what had appeared in the "Freeman's Journal"?—That was all; I confess I did not quite understand that; I did not devote any particular attention to it, for even in the Mc'Aleese case, to which I have referred, Mr. Justice Lawson, when Mr. Mc'Aleese was called before him, granted him an adjournment to obtain the assistance of counsel; and I was so perfectly confident that as a matter of fair play I should have an opportunity of obtaining the assistance of counsel and professional advice also, that really until I heard the statements of the learned judge in court, and saw the determined spirit shown by the Solicitor General, I never dreamt that the suggestion of sending me to prison without any opportunity of preparing my defence was seriously intended.

75. If your duty, as a Member of Parliament, had not kept you away from the court, you would have had an opportunity to prepare your defence, would you not?—I do not know that I can go so far as that; I do not think I could say that exactly; I cannot tell; if I had been present in court when the conversation occurred, probably I should have attached more importance to it; that is all I can say.

76. Mr. *Parnell*.] As bearing upon the point of the want of time given to you to prepare your defence or to attend to any of your private affairs, did you make any application to the court for time to arrange your private affairs, and, if so, what was the reply?—When I found myself sentenced to what practically

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amounted to six months' imprisonment, for I need not point out that the giving of bail to the amount of 10,000*l.* by a journalist means handing that journal over to the Government, and, therefore, I considered that the sentence was a sentence of six months' imprisonment; I asked the learned judge, as I had left my papers on my desk, and my business cheques unsigned, in order to go down to the court, that I might have a short time given to me to arrange my private affairs; but the learned judge replied very roughly, saying, "You will have time enough to do so in prison."

77. *Chairman.*] I will put into your hands a transcript which has been furnished to the Crown of a shorthand writer's notes of what took place in court on the 16th of August. Will you look it through and see whether you accept this report as correct or whether you wish to add to it, or to make any alteration in it?—I will do so; I may say that the newspaper reports in the "*Freeman's Journal*" and the "*Daily Express*" are substantially accurate. The only point upon which any difference in which I am interested will arise, is with reference to the omission of a particular phrase used by the learned judge which is of considerable importance. I wish to emphasise this. While in my statement I recounted the alleged misconduct of the jury, the learned judge interrupted me and said words to the effect, "You had better not proceed with that statement as I understand that it is based upon the hearsay of a waiter;" that it is omitted from the newspaper report; but I myself heard it, and it is contained in the certified report which I have of the shorthand notes taken by Mr. Ryan.

78. It is omitted, apparently, from the shorthand writer's notes which have been furnished to the Crown?—It is not at the place where I have looked for it; it may possibly be put in some other portion of the report. I need not point out that however careful a reporter may be in reporting for a newspaper for publication the next day, he may make omissions in his report. I directed Mr. Ryan to revise the report in the "*Freeman's Journal*" by his shorthand notes, and to supply any omissions or correct any verbal errors which might have occurred in the report, and then to give me the report for the purpose of using it in this pamphlet, verified and sworn. He did so; he made very few corrections, for he is a very accurate reporter; but he made this one which I have pointed out to you; it was merely an accidental omission.

79. *Mr. Parnell.*] Do I understand you to say that after a comparison of Mr. Ryan's notes with those of the Crown shorthand writer you are satisfied that there is only this one discrepancy which you have pointed out?—No, because I have not compared them; I have only received the notes which were supplied to the Crown, this minute; to compare them would be a matter requiring some time.

80. *Chairman.*] You could do it between this and the next meeting of the Committee?—Certainly, I could do it by to-morrow. I should have some person who would read the one report to me while I read the other. I know nothing of this document which has been handed to me; but if, as I am given to understand, it is practically the report which appeared in the "*Freeman's Journal*" and the "*Daily Express*," I may say that it is a substantially accurate report, with the single exception which I have mentioned; and as to that, I am quite confident that if Mr. Justice Lawson were asked by letter, or otherwise, whether he uttered those words referring to the hearsay of a waiter, he would say that he did.

Monday, 6th November 1882.

MEMBERS PRESENT :

Mr. Attorney General.
Sir Edward Colebrooke.
Mr. Dillwyn.
Sir Charles Forster.
Sir Hardinge Giffard.
Mr. Gladstone.
Mr. Goschen.
Admiral Sir John Hay.
Mr. Healy.

Mr. Justice M'Carthy.
Sir John Mowbray.
Sir Stafford Northcote.
Mr. Parnell.
Mr. Plunket.
Mr. Raikes.
Mr. Sexton.
Mr. Whitbread.

MR. ATTORNEY GENERAL, IN THE CHAIR.

Mr. EDMOND DWYER GRAY, a Member of the House; further Examined.

81. *Chairman.*] I BELIEVE you wish to correct a statement which you made at the last meeting of the Committee?—Yes. I wish to correct a statement in the middle of page 6, with reference to the constitution of the various juries. I said that the jury panel “was thus constituted: 112 Protestants, 80 Catholics, and one Jew.” I went on to say that the analysis would show “that the names drawn for the various juries were roughly in the same proportion, but that, owing to the system adopted by the Crown of ordering Catholics to stand aside, the juries were constituted, one and all, exclusively of Protestants, with the exception, as I have stated, of the one Jew who was placed upon one jury.” Now the lists which I handed in referred only to the cases commented upon by the “Freeman’s Journal,” and to the other capital cases; they were, in fact, the only cases in which the full lists of those ordered to stand aside were published. But that statement of mine is too sweeping; it is, in fact, erroneous, and I ask permission to withdraw it and to substitute a more accurate statement of the facts which I have put in writing.

82. Will you kindly read it?—“The first case tried (10th August) was that of John Culling and others for causing grievous bodily harm. This case attracted little attention, and I have been unable to procure either the names of the jurors sworn or of the jurors ordered to stand aside, as they were not published in the public press. The next case was that of O’Connor and others tried on the same day, for attacking a house in Kerry. This was the case upon which the first comment was made by the ‘Freeman,’ and I hand in the list of the jurors challenged by the prisoner, ordered to stand aside by the Crown, and those sworn; it will show that 20 jurors were ordered to stand aside by the Crown, of whom 18 were Catholics, and that the jury consisted entirely of Protestants. In the four capital cases, viz., Francis Hynes, Patrick Walsh. (two trials), and Michael Walsh, it will be seen by the lists which I hand in that all the Catholics whose names were drawn were ordered to stand aside by the Crown, and exclusively non-Catholic jurors were sworn to try the cases. Lawrence Kenny was tried on 14th August for shooting at a soldier in the town of Mullingar. This cannot be called an agrarian case. The jury was composed of six Catholics and six Protestants, and Kenny was convicted. This case was tried on the Monday after the Saturday upon which the second article in the ‘Freeman’ appeared complaining that Catholics were excluded because of their religion. It will be seen that Catholics who had previously been ordered to stand aside by the Crown were permitted in this case to serve. I have been unable in the non-capital cases to procure the names of the jurors challenged

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challenged and ordered to stand aside, as they were not published at the time. I hand in the list of the jurors actually sworn. William Bryan and two others were tried on the same day for feloniously wounding with intent to kill. I hand in the list of this jury but have been unable to obtain the names of those ordered to stand aside. It will be seen that the jury was exclusively Protestant. Thomas Cæsar was tried on the 18th for having set fire to a dwelling-house. I hand in the list of his jury upon which seven Catholics were permitted to serve. It will be seen that a number of Catholics ordered to stand aside in the capital cases were permitted to serve upon this jury. Cæsar is a Protestant, and the jury disagreed; this was the only case in which a conviction was not obtained, save the first trial of Patrick Walsh who was convicted on the second trial. Besides these change of venue cases there were two cases from the city tried, viz., John Brennan and George Richmond and others. I hand in the lists of the jurors in these cases, having similarly been unable to obtain the names of those ordered to stand aside, as they were not published. It will be seen that in one of these cases three Catholics were permitted to serve, and in the other six Catholics were permitted to serve, and in both cases convictions were obtained. Similarly Catholics who had been ordered to stand aside in the capital cases were permitted to serve in these cases. The net result of the analysis is that in the cases commented upon by the 'Freeman's Journal' Catholics were completely excluded by the Crown; they were completely excluded in all the five capital cases and in one other case. They were permitted to serve on some less important cases, and in the four on which Catholics did serve convictions were obtained, with the exception of the one case of Cæsar, where although the majority of the jury were Catholics and the prisoner a Protestant the jury disagreed. In the case of Culling, as I have said, I have been unable to procure the list of the jury at all, the case was of comparatively little importance, and the man was convicted." That is a more accurate statement; in fact the other statement is inaccurate, and therefore I ask permission to substitute this for the one which I inadvertently made on the previous occasion, beginning after the words "and one Jew," and continuing to the end of the sentence which I have quoted from page 6. I also ask permission to hand in the lists referred to in that statement (*handing in the same*). I would ask permission also to hand in, if the Committee would allow me, the affidavits which were sworn with reference to the conduct of the jury in the Hynes case, and which were supplied to his Excellency the Lord Lieutenant. They refer to the charges published in the "Freeman's Journal." (*producing the same*).

83. I understand that those affidavits were sworn after the termination of the proceedings in Court; that is to say, after Mr. Justice Lawson had committed you?—Yes.

84. They were not before him in any way at the time he determined the question?—They were not. My object is merely to show that the statements in the "Freeman's Journal" had some justification. And there are two other documents which I desire to hand in as being in the same category, namely, first, the letter of Mr. Edward C. Hamilton to the Dublin "Daily Express;" Mr. Hamilton was one of the jury, and his letter refers to one of the charges; and, secondly, the hotel bill which was furnished to me for what was supplied to the jury and those in charge of them on the night in question. They refer to the same matter, and I ask permission to hand them in, on the same principle; copies of them are printed in this pamphlet.

85. I understand that the first documents which you now ask the Committee to receive are affidavits as to facts, which affidavits were not in existence at the time Mr. Justice Lawson delivered his judgment as to your committal, but have come into existence since, with a view to an inquiry into the real facts of the case?—I applied for an adjournment for the purpose of getting affidavits prepared and handing them in. These are the affidavits which I would have handed in if that adjournment had been granted.

86. They were not brought to the knowledge of the Court on the 16th of August?—No, they did not exist as affidavits then, because I had not had time to have them prepared, but I was aware that I should be able to get them and lay

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lay them before the Court; in fact they were in the same position as the affidavit of which I was furnished with a copy on the preceding evening.

87. Mr. *Sexton*.] They were in the same position as the affidavit of Mr. Alexander Morphy?—Yes.

88. *Chairman*.] They would have been affidavits but they were not?—They would have been affidavits if time had allowed.

Mr. CHARLES RYAN, called in; and Examined.

89. Mr. *Sexton*.] You are a professional shorthand writer practising in Dublin?—I am.

90. Did you take a verbatim note of the whole of the proceedings in the Commission Court in Dublin before Mr. Justice Lawson on the 16th of August last?—I took a practically verbatim note; that is, I have nothing upon my report that was not said by the Judge, but probably I have omitted some phrases which he used.

91. In other words your report may not be entirely complete, but so far as it goes it is entirely accurate?—That is what I wish to convey.

92. Did you transcribe the report yourself from your shorthand notes;—No. There were two reporters reporting the proceedings in the Court for the "*Freeman's Journal*." We took independent notes of them, but when the proceedings were over we made what is an ordinary arrangement, namely, that one should transcribe Mr. Gray's speech, while the other transcribed the Solicitor General's and the Judge's remarks. Afterwards, the report which appears in the pamphlet was compiled by me at Mr. Gray's request from the newspaper report and my own notes. Wherever the newspaper report was defective, I supplied what was wanting from my own notes.

93. Have you examined this printed pamphlet which I hold in my hand?—I have.

94. Is this print from beginning to end an accurate transcript of the notes?—It is.

95. Have you your original notes with you?—I have (*producing the same*).

96. I wish to ask you to refer to them at a point about half way through the speech of the High Sheriff in Court where he proceeded to refer to the letter of Mr. William O'Brien, and the learned Judge, interrupting him, made some comments thereupon. It is at page 53 of the pamphlet, and about the middle of page 9 of the report which has been printed for the Committee?—I think I have the passage in my notes.

97. Do you observe an interruption by Mr. Justice Lawson?—Yes.

98. Do you see the last sentence spoken by the High Sheriff before the interruption of the learned judge: "Now, so far from the facts as stated by Mr. O'Brien being exaggerated," and the judge interrupting, begins thus: "You had better not enter into that"?—The form in which I have it upon my notes is, "You had better not enter into the facts."

99. Will you read the last sentence of the High Sheriff there?—"Now, so far from the facts as stated by Mr. O'Brien being exaggerated, I am told that they are true, and very far from being exaggerated." Then I have, "Judge Lawson. You had better not enter into the facts; that is a matter stated on the hearsay of a waiter; I cannot enter into it."

100. You have the original characters there for that?—Yes, I have that upon my original notes.

101. And you have no doubt whatever that "that is a matter stated on the hearsay of a waiter," quite accurately represents the words spoken by the learned judge?—I have no doubt that those were the words spoken by the learned judge, and I have a recollection of the observation too.

102. Will you now go to the next interruption by the learned judge, a little lower down. The high sheriff closes with the remark, "the sub-sheriff and his officers do the entire work"?—Yes, I see that. Mr. Justice Lawson then interrupts, and says, "That does not render the high sheriff less responsible for it, and I hold you as high sheriff responsible for everything."

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103. "For everything?"—Yes.

104. In the print which has been laid before the Committee I find these words: "I hold you as high sheriff to be responsible for the proper custody of the jurors;" will you carefully examine your original note at that point?—There is no question whatever about the words "for everything."

105. "I hold you as high sheriff responsible for everything;" you are quite sure that those are the words you took down?—Yes, there is no question about it; it is perfectly plain. Perhaps you will allow me to say that at a great many of these places there were two speaking at the same time,—the Judge interrupted the High Sheriff in his speech,—and under such circumstances it is almost morally impossible for two reporters to agree upon such a thing as that.

106. *Chairman.*] Do you write Pitman's system?—Yes.

107. I am not doubting your evidence for a moment, but will you hand me your notes of the first passage you have read. (*The Witness showed his shorthand notes to the Chairman.*)

Mr. WILLIAM C. JOHNSTON, called in; and Examined.

108. *Chairman.*] DID you take a shorthand writer's report of what occurred in the Dublin August Commission Court, on the application before Mr. Justice Lawson for the committal of Mr. Gray?—On the 16th of August I did.

109. For whom were you taking that report?—I took the report for the Crown Solicitor in Dublin.

110. *Mr. Healy.*] Did you represent a newspaper also?—Yes, I represented the "Daily Express."

111. *Mr. Sexton.*] Did you understand from the commencement of these proceedings that you were taking this note on behalf of the Crown Solicitor?—Certainly.

112. *Chairman.*] I believe it is not unusual for a shorthand writer who is taking a report for a newspaper or for any other purpose, to take a note, if one is wanted, for a party to the suit; a note can be taken for two purposes as well as one?—Certainly it can.

113. Will you kindly refer to your notes at the point at which a statement was made by Mr. Gray, very nearly in the middle of his speech, as to whether the facts stated by Mr. O'Brien were exaggerated or not. It appears that Mr. Justice Lawson interrupted him whilst he was speaking. The only words I can give you are the concluding words used by Mr. Gray, namely, "Now, so far from the facts as stated by Mr. O'Brien being exaggerated"—I may say that my attention has been directed to this part of the report already. (*The Witness produced his shorthand notes.*)

114. Will you read your notes from there?—Continuing from that point Mr. Justice Lawson interrupts, and says, "That is a matter you cannot enter into."

115. Will you give Mr. Gray's words a few lines before?—"Suffice it to say, I know Mr. William O'Brien, and that I published the letter because I knew it was a *bona fide* letter, written by a gentleman residing in the hotel, a gentleman whose friendship I enjoy, of whom I have intimate personal knowledge, and whom I believe to be absolutely incapable of stating anything which was not true. Now, so far from the facts as stated by Mr. O'Brien being exaggerated——." Then the judge interrupts him, and states, "That is a matter you cannot enter into, the hearsay of a waiter, as I understand; I cannot investigate the truth or falsehood of that letter. As has been already stated by the Solicitor General, you, as high sheriff, had the custody," and so on.

116. *Mr. Healy.*] How did you come to omit that phrase about "the hearsay of a waiter," in your transcript?—I received instructions to write out these notes on the 16th of October, two months after they were taken. The instructions

6 November 1882.]

Mr. JOHNSTON.

[Continued.]

tions were to have them written in time for post on the 18th. On the 17th of October there was a very important public meeting in Dublin (I mean important from a newspaper point of view), which occupied my entire time as a newspaper reporter on that day, so that I had only the forenoon of the 18th to transcribe these notes in. I then had them transcribed partly at my dictation, and in dictating I may have omitted those words.

117. *Chairman.*] You seem to have abbreviated your report; was it from any instructions that you received from the Crown Solicitor, or for any reason of that kind that you did so?—No, I received no such instruction whatever.

118. *Mr. Healy.*] Do you write Pitman's system?—No.

119. *Mr. Sexton.*] Will you look at a passage a little lower down, where there is another interruption by the judge. Mr. Gray introduced it by saying, "The sub-sheriff and his officers do the entire work"?—I have it. The learned judge said, "That does not render the high sheriff less responsible. I hold you as high sheriff to be responsible for the proper custody of the jurors."

120. Will you show your note of that to me? (*The Witness showed his shorthand notes to Mr. Sexton.*)

121. This is not Pitman's system?—No.

122. What system is it?—Mr. Irvine Smith's system.

123. Mr. Charles Ryan has testified that the learned judge said, "I hold you as High Sheriff responsible for everything," and has produced his original notes of that?—If Mr. Ryan has got that on his notes I should not contradict him, because a reporter may miss a word, but a reporter would never take down a word that is not said; I am sure Mr. Ryan would not put down a word which was not spoken.

124. *Sir Stafford Northcote.*] Are you sure that the learned judge used the words, "for the proper custody of the jurors"?—Certainly, I am positive of that. They could not be on my note unless they were said. Everything that is on my note is accurate.

125. *Mr. Plunket.*] You may have omitted words, but you have invented none?—Certainly not.

126. *Mr. Sexton.*] Would you admit that it is likely that the learned judge said, "responsible for the custody of the jurors and everything"?—That is quite possible. There was a little excitement at the time. The judge was speaking very rapidly, and Mr. Gray was almost renewing his speech before the judge had concluded. It is quite possible that I may have dropped a word there, and perhaps more than a word, but the words which I have here were said, and the words "proper custody of the jurors" among them.

127. You say that two months afterwards you dictated your notes?—On the 16th of October I received an order to transcribe my notes, and the entire transcript was made in the forenoon of one day by the aid of dictation to other shorthand writers.

128. To more than one other shorthand writer?—Yes.

129. How many?—Two.

130. Have you compared the print of your report, which is now before the Committee, with either your original notes or the transcript from them?—I have never seen it. I asked that I should be allowed to verify the transcript, but I had not an opportunity of doing so, and, as this error has been discovered, there may be others in it.

131. *Mr. Healy.*] When did you receive instructions from the Crown Solicitor to transcribe your notes?—On the 16th of October, the day before the Nationalist Conference; that fixes the date in my mind.

132. That was the date of the order for transcription?—Yes.

133. When did you receive an order from the Crown Solicitor to take the notes?—I took a note of the proceedings of the entire Special Commission, and this as a portion. I got no special order to take Mr. Gray's statement or what passed on that particular occasion.

134. The Crown Solicitor gave you no special order up to that time to transcribe any portion of it?—Yes, I transcribed all the murder trials, the Judge's charges, and so on.

135. But until the 16th of October you had no order to transcribe Mr. Gray's case?—No.

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136. Mr.

6 November 1882.]

Mr. JOHNSTON.

[Continued.]

136. Mr. Parnell.] You saw no proof of your report which has been laid before us in print, and you kept no copy of your transcript?—No.

137. You just sent it in to the Crown Solicitor, and did not see it again?—Just so.

138. You dictated from your notes to two other gentlemen?—Yes, and wrote out portions myself.

139. Can you say whether the transcript was submitted to Mr. Justice Lawson for revision?—I cannot. I was told that it was to be sent to London by that night's post. I asked for an extra night to verify it, but I could not have it, and the report was not verified as it should have been.

140. Mr. Sexton.] How do you account for the omission of the remark with reference to "the hearsay of a waiter" in your transcript?—Either I must have omitted it in the dictation, or the gentleman to whom I dictated must have left it out. I might have left a line out of my notes in dictating.

141. The remark about "the hearsay of a waiter" makes just one line in your shorthand, does it?—Yes; here it is (*showing the shorthand notes to Mr. Sexton*).

142. You may have omitted that line?—Yes.

143. Did you report the trial of one of the Walshes?—Yes, I reported all the trials.

144. Do you remember that on the trial of one of the Walshes, the judge in passing sentence, passed it in the usual form, so far as regarded the burial of the condemned, but did not sentence him to be hanged?—I remember that Patrick Walsh was not formally sentenced to be hanged by the neck until he was dead; that portion of the sentence was omitted.

145. The judge omitted those words from the death sentence?—Yes.

146. Did the notes of all the reporters in Court concur upon that point?—That I cannot say, except that the newspaper reports published the next day all agreed.

147. *By a Member.*] Are you aware that the judge publicly impugned the accuracy of those reports, so far as they imputed to him the omission of that essential part of the death sentence?—I am not aware of it. If he had done so I think the reporters present would have had something to say to the matter.

148. Did he correct himself?—The omission was never supplied to my knowledge, and I sat in Court throughout from the time the Commission began.

149. Mr. Parnell.] The man was hanged without having been sentenced to be hanged?—That portion of the sentence was not pronounced.

150. Sir Charles Forster.] Was not the omission supplied before the termination of the Commission?—Not to my knowledge, and I sat throughout the entire Commission.

151. Mr. Parnell.] That was in the case of Patrick Walsh?—Yes, that was on the second trial of Patrick Walsh.

152. Mr. Sexton.] Did you, besides taking a shorthand note of the words that were spoken, observe the proceedings in Court on the day when Mr. Gray was committed, the 16th of August?—I did, as far as it was possible to take a note, and also to observe what was going on at the same time.

153. Did you observe anything exceptional in the demeanour of the Judge, any traces of passion, and so on?—I saw no exhibition of passion whatever. I do not think that is a question I should be called upon to answer.

154. Mr. Parnell.] What were the names of the two gentlemen who made the transcript of the notes?—Mr. Houston and Mr. Ritchie, but it is not accurate to say that they made the transcript.

155. I mean the gentlemen to whom you dictated?—Those were the gentlemen; but I made a portion of the transcript myself. If I saw the original transcript I could tell you, as to any portion, who wrote it. I rather think that I wrote out myself those passages upon which I have been questioned, because I marked my notes differently. The portions written out by myself are marked with a black pencil, and the portions dictated are marked in this way (*pointing to the shorthand notes*). These passages are marked out with a black pencil, and therefore I think I transcribed them myself.

156. You

6 November 1882.]

Mr. JOHNSTON.

[Continued.]

156. You wish to examine the original transcript?—Yes, if it is to be relied upon, but a copy of the print would do as well if I were allowed to verify the print by my notes.

157. A copy of the print would be of no use to you as regards verifying the accuracy of the transcript; what we wish to know is, whether the transcript corresponds with your notes?—If those words are omitted it does not correspond with my notes.

158. Mr. *Healy*.] As a matter of fact, do those words occur in the report in the “Daily Express”?—I believe not, but I understand that that portion of the report which appeared in the “Daily Express” was taken from the “Evening Telegraph,” which is an offshoot of the “Freeman’s Journal,” or rather the evening edition of the “Freeman’s Journal.”

159. Mr. *Sexton*.] Comparing your report of the proceedings of the 16th of August with the report given by Mr. Charles Ryan, I find that there are numerous passages in his report which do not appear in yours; would you claim that your report is exhaustive?—I would claim that it is as exhaustive as it was possible to make it, and I was as well placed and had as good an opportunity of hearing as Mr. Ryan.

160. If you found in Mr. Ryan’s report several passages (I see here four) which are not contained in your report, occurring chiefly where interruptions come in, would you be disposed to impugn the accuracy of Mr. Ryan’s report in respect of those passages where it exceeds yours, that is to say, in respect of the passages contained in his report which are not contained in your own?—Certainly not.

161. Because you do not claim that your report is entirely exhaustive?—I claim that my report is as exhaustive as I could possibly make it under the circumstances, the circumstances being peculiar.

162. You do not claim that it contains everything?—No, but it contains everything that I heard.

163. I wish to ask you a question about the next interruption by the judge after the last one you have testified to?—Mr. Justice Lawson said “that is an entire mistake. The jurors remain in the custody of the High Sheriff, and the parties who are sworn.”

164. Is it “parties”?—Yes; “are under the authority of the sheriff to assist him in taking charge of the jury.”

165. Will you read the first sentence of Mr. Gray’s reply?—“Then my Lord,” I have got here, “I may have something to say by-and-by with regard to my conduct as sheriff if it be shown that those jurors were, owing to the negligence of my subordinates, permitted to misconduct themselves;” but I should say that it is obvious that there was some mistake there. It is obvious that there were some words of Mr. Gray’s which I did not catch.

166. Mr. Ryan’s report shows that Mr. Gray said this: “Then, my Lord, the Attorney General may have something by-and-by to say”?—Yes, that may have been it. I would certainly say that Mr. Ryan was right in that case. My notes show that there was something that I did not hear perfectly.

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A P P E N D I X.

Appendix, No. 1.

PAPERS handed in by the *Attorney General*.

August Commission, 1882.

In the Matter of *E. Dwyer Gray*, Esq., M.P.

Attested Copy of Affidavit of Mr. *Morphy*, Crown Solicitor.

County of the City of Dublin, to wit :

I, ALEXANDER MORPHY, of Number 13, Lower Ormond Quay, in the City of Dublin, Crown Solicitor for the Counties of Clare and Kerry, make oath and say,—

1. That as such Crown Solicitor, I was officially engaged in the recent trials of the case of “The Queen v. John Connor and others” for attacking the habitation of one Mrs. Isabella Maybury; the case of “The Queen v. John Culling, and others” for grievously assaulting one William Devereux, and the case of “The Queen v. Francis Hynes” for the murder of one John Doolaghty, which said trials respectively took place at the now pending August 1882 Commission, before the Right Honourable Mr. Justice Lawson, and special juries under the provisions of the Prevention of Crime (Ireland) Act, 1882.

2. I say that the said Commission is still pending, and that other cases remain for trial thereat, also before special juries under the provisions of the same Statute.

3. I say that I have read in the issue of the newspaper called the “Freeman’s Journal,” published on Friday, the 11th of August instant, an article commencing with the words “Yesterday at the Commission Court,” and ending with the words “sentence was deferred.” I say that I have also read in the issue of the said “Freeman’s Journal” newspaper, published on Saturday, the 12th of August instant, an article commencing with the words “We are unwilling to credit the rumour,” and ending with the words “dare openly make such an accusation.” I say that I have also read in the issue of the said “Freeman’s Journal” newspaper, published on Monday, the 14th of August instant, a letter purporting to be signed “William O’Brien,” and an article commencing with the words “On Saturday, Francis Hynes,” and ending with the words “not wisely but too well.” I have also read in the issue of the said “Freeman’s Journal” newspaper, of Tuesday, the 15th of August instant, a passage headed “The Conviction of Francis Hynes,” in the third column of the fifth page thereof, and ending with the word “Spes,” in the fourth column of the same page.

4. I say that the said “Freeman’s Journal” newspaper is printed and published in the City of Dublin, and circulates largely in the County and City of Dublin, and amongst the classes of persons who are upon the jury panels thereof respectively; and I say that in my opinion the said publications, and each and every of them respectively, are, and is calculated to interfere with the due administration of justice, and with the free and impartial exercise of their duties by the jurors at the said Commission Court, and I am advised and submit that the said publications respectively are a contempt of this honourable Court.

5. I say that Mr. Edmond Dwyer Gray, who is at present the high sheriff of the City of Dublin, is the sole proprietor of the said “Freeman’s Journal” newspaper, upon each
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number of which his name appears in print as such proprietor, and I refer to copies of the said "Freeman's Journal" newspaper of the 11th, 12th, 14th, and 15th days of August instant respectively, upon which marked with the letters "A." "B." "C." and "D." I have endorsed my name before swearing this affidavit.

(signed) *Alexander Morphy.*

Sworn before me, in open Court, this 16th August 1882, at Green-street, Dublin.

(signed) *J. A. Lawson.*

(A true copy.)

Edward Geale,

Clerk of the Crown, County of the City of Dublin.

28 October 1882.

A.

EXTRACT from the "Freeman's Journal," Friday, 11 August 1882.

YESTERDAY, at the Commission Court, the first jury trial under the recent Crimes Act took place. John Connor, and three others, all natives of Kerry, were placed in the dock charged with, on the 17th of March last, at Fahey, in the county of Kerry, having attacked the house of Mrs. Maybury, the widow of an officer in the army. Under the ordinary law the men would have been tried in Kerry, where the alleged offence took place; but availing himself of the provision in the Crimes Act, the Attorney General removed the case to Dublin, and under the same measure a special jury was empanelled from a joint county and city panel. The Crown exercised their right to challenge on a wholesale scale, and no less than nineteen persons, some of them among our most respectable citizens, were ordered to "stand aside." The facts of the case will be found reported elsewhere. All the prisoners were convicted, but the jury accompanied their finding with a strong recommendation to mercy, and sentence was deferred.

B.

EXTRACT from the "Freeman's Journal," Saturday, 12 August 1882.

WE are unwilling to credit the rumour that the Crown have resolved that juries exclusively, or almost exclusively, Protestant, shall determine in some cases the liberty, in others the lives, of the prisoners on trial at Green-street. Yet colour is lent to the report by the fact that yesterday, in the capital case, just as on the previous day in the Whiteboy case, Catholic gentlemen of admitted respectability and position were ordered to "stand aside" when they took the Book to be sworn. To the gentlemen in question no stereotyped "trade" objection can be, and the inference, therefore, is that they were shoved aside from their duties as jurors simply because they are Catholics. If this is true, an odious and, it was hoped, obsolete practice has been revived, and the course taken, as unnecessary as it is injudicious, must naturally cause indignation and resentment in Catholic circles. The notion that such men as Edward Lenehan, of Castle-street; William Dennehy, of John-street, and others whom we could mention, should not be trusted to find a true verdict according to evidence in country cases brought to Dublin for trial, which is the simple and only inference, is offensive in the extreme. The representatives of the Crown would not venture to publicly make such a declaration, yet the names of the gentlemen specified appear in the published list of the rejected. The matter is one that calls for inquiry and explanation. For the present we will only express our regret that the representatives of the Crown should deem it necessary and expedient to boycott Catholic special jurors of the city and county of Dublin. That this has been done we fear there is no doubt, and we apprehend that no other interpretation of the action of the Crown can be given than that Catholic gentlemen are subjected to the shocking imputation that they are not unprepared to violate the solemn obligation of their oath in cases which are supposed to arise out of political agitation in the country. Would the managers of the Crown prosecutions in Green-street dare openly make such an accusation?

C.

EXTRACTS from the "Freeman's Journal," Monday, 14 August 1882.

THE JURY IN THE ENNIS MURDER CASE.

To the Editor of the "Freeman."

Dear Sir,

Imperial Hotel, Dublin, Saturday, 12 August.

I THINK the public ought to be made aware of the following facts. The jury in the murder case of the Queen v. Hynes were last night "locked up," as it is termed, for the night at the Imperial Hotel, where I also was staying. I was awakened from sleep shortly after midnight by the sounds of a drunken chorus, succeeded after a time by scuffling, rushing, coarse laughter, and horse-play, along the corridor on which my bedroom opens. A number of men, it seemed to me, were falling about the passage in a maudlin state of drunkenness playing ribald jokes. I listened with patience for a considerable time, when the door of my bedroom was burst open, and a man whom I can identify (for he carried a candle unsteadily in his hand) staggered in, plainly under the influence of drink, hiccuping, "Hallo, old fellow, all alone?" My answer was of a character that induced him to bolt out of the room in as disordered a manner as he had entered. Having rung the bell, I ascertained that these disorderly persons were jurors in the case of the Queen v. Hynes, and that the servants of the hotel had been endeavouring in vain to bring them to a sense of their misconduct. I thought it right to convey to them a warning that the public would hear of their proceedings. The disturbance then ceased. It is fair to add that no more than three or four men appeared to be engaged in the roaring and in the tipsy horse-play that followed. I leave the public to judge the loathsomeness of such a scene upon the night when these men held the issues of life and death for a young man in the flower of youth, when they had already heard evidence which, if un rebutted, they must have known would send him to a felon's grave. The facts I am ready to support upon oath.

(signed) William O'Brien.

On Saturday Francis Hynes was found guilty of the murder of John Doloughy. The circumstances of the case were in every sense most lamentable. We cannot think that the evidence will so far satisfy the public conscience as to induce it to regard the execution of the capital sentence on Hynes with equanimity. True, the dying man, when questioned as to the murder, repeated more than once the words Francy or Francy Hynes. But, then, the fear of Hynes was long fixed in his mind, and his wounds were of such a character as to be calculated to unsettle his mind. The mere repetition of a dreaded name is, under such circumstances, very different from a detailed story of how the crime was committed. Nothing of this kind was given; and on the whole, without desiring in any way to screen the guilty, we say that it would be safer for the Executive not to rush too hastily to the application of the blood penalty in a case in which there certainly is an element of doubt, and we say that the ends of justice would be better served if the sentence were commuted. This is an opinion upon the evidence alone; but what shall we say of the fearful tale given by Mr. William O'Brien with reference to the conduct of the jury on the night before they found a verdict which was to bring Hynes to a dishonoured grave. It is fearful; it is horrible; it makes one shudder. In what state of mind can these men have been, when, a few hours after the proceedings described, they were called upon to decide whether a fellow-creature was to live or to die. Can the Executive refuse to take cognisance of Mr. O'Brien's proffered evidence? Can they refuse to act upon it if proved to be true? Knowing Mr. O'Brien as we do, we place the most absolute confidence in every word he says. But let the Executive test his veracity. If it remain unimpeached, then we say that his disclosures are such as to make us blush for our common humanity. We have heard of men hanging that jurymen might dine, but what of a man hanging because jurymen have dined—not wisely, but too well?

D.

EXTRACT from the "Freeman's Journal," Tuesday, 15 August 1882.

THE CONVICTION OF FRANCIS HYNES.

The Jury, the "Freeman," and the Law Officers.

In the Commission Court yesterday.

Mr. William George Barrett, of Kingstown, addressing Mr. Justice Lawson, said,—My Lord, as foreman of the jury which tried the case of the Queen v. Hynes on Friday and Saturday, I want to ask your Lordship's attention to a letter which appeared in the "Freeman's Journal" this morning. I have to state, my Lord, that I was the last man who went to bed that night, and I can positively swear, and there are other witnesses if it is necessary, to say that every juror on that jury was perfectly sober when he retired to rest. I would further state that we gave that most painful case the utmost possible consideration we could.

Mr. Justice Lawson.] I am very glad to have that statement from you, and I can only say that I hope the attention of the Attorney General will be directed to those outrageous articles that are published for the purpose of prejudicing and defeating the administration of justice in this court—(cries of "hear, hear") which I have been reading with feelings of horror since this court sat.

The Solicitor General.] As this matter has been now mentioned I will do what I had otherwise intended to have done later in the day, to state to your Lordship that it is the intention of those representing the Crown to ask your Lordship's attention in a more formal manner to some articles and publications in the "Freeman's Journal," and we hope that it may not be inconvenient to your Lordship to entertain the matter at the sitting of the court on Wednesday next. We believe that the publication of such documents is calculated to interfere in the most serious degree with the administration of justice, to such an extent indeed, that it is absolutely impossible that the business of the country can be carried on with due regard to the administration of justice if such matters can be tolerated (hear, hear).

The subject then dropped, for the present.

"To the Editor of the 'Freeman.'"

"Dear Sir,

"Imperial Hotel, Monday night.

"As my accusation against certain jurors in the case of the Queen v. Hynes is to form the subject of judicial inquiry, I shall only say in reference to Mr. Barrett's statement in the Commission Court to day that the further evidence which has now come to my knowledge makes me more anxious than ever to court the fullest investigation as to the truth of my charge.

"Your faithful servant,
(signed) "William O'Brien."

The following letter has been furnished to us by telegraph for publication by Mr. Edward Finucane, Ennis:—

"To the Editor of the 'Freeman.'"

"In reference to Mr. Justice Lawson's comment on cross-examination of young Doloughy in the Clare murder case, where, relative to conversation of his with an Ennis shopkeeper, his Lordship said it showed the lengths people interested in defeating the ends of justice will go, I am the shopkeeper referred to, and am as well known to be incapable of acting such a part as the judge who decided according to law that a cool and uninvited statement made to me by the boy was inadmissible, as even my servant also heard his distinct statement in reply to my remark deploring the murder of his father, and referring to the arrest of Hynes that as nothing will be done to him because whoever would do it he would say it was Francy Hynes. I did not volunteer to give evidence, but feel surprised the law, of which Judge Lawson is the mouthpiece, refused to hear facts which no juryman could doubt, and which would enable them to judge the state of mind the murdered man was in even before the awful occurrence."

"To the Editor of the 'Freeman.'

"Dear Sir,

"6, Upper Ormond Quay, 14 August.

"As the solicitor who was engaged in instructing counsel and otherwise acting in the defence of this prisoner, I beg to lay before your readers and the public a short statement of some facts that marked the course of procedure on his trial in a way that struck me as very inconsistent with what should be calculated to inspire faith and confidence in the administration of the laws in this or any other country. The sheriffs of the county and city of Dublin returned each a special panel of 100 men to try the several cases which should be sent up from the provinces to the present Commission. For the purposes of the present case I will assume that each of these two panels was chosen with perfect fairness by the respective sheriffs of the county and city. I know the sheriff of the city to be an honourable man. At this moment I do not know the name of the sheriff of the county, but I assume him also to be an Irish gentleman, and perfectly honourable, for why should any man of that rank be otherwise in the discharge of so serious a public duty? However, when the jury came to be selected in open court, in the presence of the Attorney General and the other counsel engaged in the prosecution for the Crown, what took place? The gentleman acting as solicitor for the Crown, as it appears he had a legal right to do, in exercise of the powers with which he is vested by the laws as at present constituted, ordered every gentleman of the Roman Catholic persuasion, or of Liberal principles in politics, to stand aside, as if unworthy to serve on that jury. I have been upwards of 30 years engaged in my profession, and must say that I was never more amazed than at this what I consider extreme step on the part of those acting for the Crown towards a young person who was brought far away from his home, and before jurors to whom he or his antecedents were wholly unknown, but who were still the persons called upon to pronounce on his guilt or innocence. Whilst the jury was being empannelled I felt it my duty to challenge 11 out of the 49 who were called and answered, but what was my astonishment to find that the Crown ordered not less than 26 of those specially summoned jurors to stand aside as if unfit to sit in judgment as jurors on the case, and particularly when I was constrained to observe that amongst the persons so included were also those who happened to be called who professed the religious or political principles to which I have before referred.

(signed) "John Frost."

"To the Editor of the 'Freeman.'

"Dear Sir,

"14 August.

"WOULD it not be advisable, considering all the circumstances of this unfortunate man's case, that a memorial should be prepared for signature to be presented to the Lord Lieutenant, praying a remission of the capital punishment, and I feel certain that the jury will lead the way. The Crown desires no victim, only that justice may be vindicated, and penal servitude will certainly satisfy her.

"I enclose my name, &c.

(signed) "Spes."

August Commission 1882.

In the Matter of Mr. E. D. Gray.

Copy Order for the Committal of Mr. Gray.

County of the City of Dublin, to wit:

By the Right Honourable James Anthony Lawson, one of Her Majesty's Judges, and presiding Judge and Commissioner of Oyer and Terminer and General Gaol Delivery at a Session, and Commission of Oyer and Terminer and General Gaol Delivery held at Dublin, in and for the said County of the City of Dublin, on Thursday, the Third day of August, One thousand Eight hundred and Eighty-two.

Whereas Edmond Dwyer Gray, the proprietor of a certain newspaper called the "Freeman's Journal," and now being the High Sheriff of the County of the City of Dublin, did on the Sixteenth day of August, One thousand Eight hundred and Eighty-two, attend the said Court, pursuant to a notice served on him, and then, and in his presence, an application was made on behalf of Her Majesty's Attorney General to the Right Honourable Mr. Justice Lawson for an attachment against the said Edmond Dwyer Gray, or for such order as to His Lordship should seem just, for having been

guilty of contempt of Court in publishing during the said Session in said "Freeman's Journal" newspaper upon the Eleventh, Twelfth, Fourteenth, and Fifteenth days of August instant, respectively, certain publications and articles in contempt of the said Court, then and now sitting; and on reading the affidavit of Alexander Morphy, Crown Solicitor, and on hearing the said Edmond Dwyer Gray, it is this day ordered and adjudged by the Court that the said Edmond Dwyer Gray is guilty of contempt of Court in having published said articles and publications, and it is considered and adjudged by the Court that the said Edmond Dwyer Gray is guilty of contempt of Court in having published said articles and publications, and it is considered and adjudged by the Court here that for such his contempt of Court the said Edmond Dwyer Gray, now here present, be imprisoned in Her Majesty's prison in and for the said County of the City of Dublin for the space of Three calendar months, and that in addition he, the said Edmond Dwyer Gray, do pay for his contempt a fine of Five hundred pounds sterling to Her Majesty the Queen, to be levied off his goods and chattels, and that at the end of said period of imprisonment he do enter into recognizance himself in the sum of Five thousand pounds sterling, with two sureties, each in the sum of Two thousand Five hundred pounds sterling, conditioned that he the said Edmond Dwyer Gray be of good behaviour and of the peace for the space of Twelve calendar months to Her Majesty the Queen, and all Her Majesty's subjects, and in default thereof to be imprisoned for a further period of Three calendar months, unless in the meantime he shall enter into such recognizance as aforesaid.

These are, therefore, in Her Majesty's name, to command you, the Coroner of the County of the City of Dublin, that you forthwith into your custody take the body of Edmond Dwyer Gray, and him safely convey to Her Majesty's Prison in and for the said County, and there him deliver to the keeper thereof, and these are therefore in Her Majesty's name to command you, the said keeper, to receive the said Edmond Dwyer Gray into your custody in the said prison, and him there, for such, his contempt, and in pursuance of said judgment, safely to keep for the period of three calendar months from the day of the date hereof, and in default of his entering into recognizance as aforesaid, him, the said Edmond Dwyer Gray, to detain for the further period of three calendar months, or until such period within the said three calendar months as he shall enter into such recognizance, and for you and each of you so doing this shall be your warrant.

Given under my hand at the Court House, Green-street, in the said County of the City of Dublin on this, the Sixteenth day of August, in the Year of Our Lord, One Thousand Eight hundred and Eighty-two.

(signed) *James A. Lawson,*
One of Her Majesty's Judges and Commissioners
presiding as aforesaid.

To the Coroner of the County of the City
of Dublin and to the Keeper of the Prison of }
Her Majesty in and for said County.

(A true copy.)

Edward Geale,
Clerk of the Crown, County of the City of Dublin.

28 October 1882.

August Commission, 1882.

In the Matter of *E. D. Gray*, Esq., M.P.

Attested Copy of Order Discharge of Mr. *Gray*.

30 September 1882.

It is ordered by the Court that "on payment of the fine of Five Hundred pounds imposed on Mr. Gray, that he be then discharged from further imprisonment."

(A true copy.)

Edward Geale,
Clerk of the Crown, County of the City of Dublin.

28 October 1882.

Appendix, No. 2.

PAPERS handed in by the *Attorney General*.

THE DUBLIN COMMISSION COURT.

14 AUGUST 1882.

The Committal of Mr. *Edmond Dwyer Gray*, M.P., High Sheriff, for Contempt of Court.

(Before the Right Hon. Mr. Justice LAWSON.)

Before the Court rose,—

Mr. *Wm. George Barrett* said,—My Lord, as foreman of the jury which tried the case of the Queen *versus* Hynes on Friday and Saturday, I wish to direct your Lordship's attention to a letter that appears in the "*Freeman's Journal*" of this morning, and I have to state that I was the last man who went to bed that night, and I can positively swear—there are other witnesses too if it is necessary—that every one of the jury was perfectly sober when retiring to rest. I would further state that we gave that most painful case the utmost consideration we possibly could.

Mr. Justice *Lawson*.] I am very glad to have that statement from you, and I can only say that I hope the attention of the Attorney General will be directed to those outrageous articles that are published for the purpose of prejudicing and defeating the administration of justice in this Court (cries of "hear, hear," from the jurors' gallery), which I have been reading with feelings of horror since the Court sat.

The Solicitor General, M.P. (Mr. *A. M. Porter*, Q.C.) As the matter has been now mentioned, I will do what I otherwise intended to have done later in the day—state to your Lordship that it is the intention of those representing the Crown to ask your Lordship's attention in a more formal manner to some articles and publications in the "*Freeman's Journal*," and we hope that it may not be inconvenient to your Lordship to entertain the matter at the sitting of the Court on Wednesday next. We believe that the publication of such documents is calculated to interfere in the most serious degree with the administration of justice; to such an extent, indeed, that it is absolutely impossible that the business of the country can be carried on with a due regard to the interest of justice, if such acts are to be tolerated (voices in Court, "hear, hear").

16 AUGUST 1882.

(Before the Right Hon. Mr. Justice LAWSON.)

At the sitting of the Court, *The Solicitor General*, M.P., Mr. *James Murphy*, Q.C., and Mr. *Peter O'Brien*, Q.C. (instructed by Mr. *Alexander Morphy*, Crown Solicitor), attended as representing the Crown.

Mr. *Edmond Dwyer Gray*, M.P. (who was accompanied by Mrs. Gray), arrived after the Court sat, and took his seat, as High Sheriff of the City, in the box set apart for that officer.

Dr. *Nicholas C. Whyte*, City Coroner, was also in attendance, pursuant to notice served on him by the Crown.

The *Solicitor General* said:—May it please your Lordship—A matter was mentioned in Court on Monday, which will have prepared your Lordship for the application I am now about to make to the Court, which is, my Lord, that an attachment may be issued against Mr. Edmond Dwyer Gray, proprietor of the “*Freeman's Journal*,” in consequence of the publication of certain articles and other documents in that newspaper reflecting upon the administration of justice in this Court, and calculated, in the opinion of those who represent the Crown, materially to interfere with the free exercise of their duties by those to whom the administration of justice is entrusted here. My Lord, notice of this application was served yesterday, and I may as well state what that notice was. It is addressed to Edmond Dwyer Gray, Esq., at the office of the “*Freeman's Journal*” newspaper in Princes-street.

“Take notice that at the sitting of the Commission Court in Green-street, in the City of Dublin, on Wednesday the 16th August instant, at 11 o'clock forenoon, counsel on behalf of the Attorney General will apply (to your Lordship) that an attachment do issue against you, Edmond Dwyer Gray, and that you be forthwith committed to prison for contempt of court, or such other order as shall seem (to your Lordship) fit. Such application shall be grounded upon the affidavit of Alexander Morphy, Crown Solicitor for the counties of Clare and Kerry, intended to be sworn at the sitting of the Court, a copy of which affidavit is herewith furnished you.”

Mr. Morphy has made an affidavit, which is now sworn, and a copy of which, in order to convenience Mr. Gray, was left with him yesterday, in order that he might not be taken by surprise by this application. That affidavit is as follows:—

“I, Alexander Morphy, maketh oath and say, that I am Crown Solicitor for the counties of Clare and Kerry, and as such solicitor I was professionally engaged in the recent trials in the case of the Queen v. John Connor and others, for attacking the house of Mrs. Maybury, and in the case of the Queen v. Callen for grievous assault, and in the case of the Queen v. Francis Hynes for the murder of John Dolougherty. Said trials respectively took place at the now pending August 1882 Commission, before the Right Honourable Mr. Justice Lawson and special juries, under the Prevention of Crime (Ireland) Act, 1882. I say that the said Commission is still pending, and other cases remain for trial thereat before special juries under the provisions of the statute. I say that I have read in the issue of the newspaper called the “*Freeman's Journal*,” published on Friday, 11th August instant, a writing commencing with the words ‘Yesterday at the Commission,’ and ending with the words ‘sentence deferred.’ I have also read in the issue of the ‘*Freeman's Journal*,’ published on Saturday, the 12th instant, another article commencing with the words ‘We are unwilling to credit the rumour,’ and ending with the words ‘openly make such an accusation.’ I have also read in the issue of the said ‘*Freeman's Journal*’ newspaper, published on Monday, 14th August instant, a letter purporting to be signed ‘William O'Brien,’ and an article commencing with the words ‘On Saturday, Francis Hynes,’ and ending with the words ‘not wisely, but too well.’ I have also read in the issue of the ‘*Freeman's Journal*’ of Tuesday, 15th August instant, a passage commencing with the words ‘The conviction of Francis Hynes,’ and ending with the words ‘penal servitude will certainly satisfy her.’”

It will be just as convenient that I should here state the extract so referred to. The first is from the “*Freeman's Journal*” of the 11th August, a leading article, and is in these words:—

“Yesterday, at the Commission Court, the first jury trial under the recent Crimes Act took place. John Connor and three others, all natives of Kerry, were placed in the dock, charged with, on the 17th of March last, at Fahey, in the county of Kerry, having attacked the house of Mrs. Maybury, the widow of an officer in the army. Under the ordinary law the men would have been tried in Kerry, where the alleged offence took place; but availing himself of the provision in the Crimes Act, the Attorney General removed the case to Dublin, and under the same measure a special jury was empanelled from a joint county and city panel. The Crown exercised their right to challenge on a wholesale scale, and no less than 19 persons, some of them among our most respectable citizens, were ordered to ‘stand aside.’ The facts of the case will be found reported elsewhere. All the prisoners were convicted, but the jury accompanied their finding with a strong recommendation to mercy, and sentence was deferred.”

Now, that article standing alone would have been a most improper, as I respectfully submit, a most improper interference by this public newspaper with the administration of justice in your Lordship's Court. It is absolutely intolerable, my Lord, that it should be permitted to any individual, be he journalist, or whether he belong to any other profession or class in the community, to exercise that right of supervision over the proceedings of your Lordship's Court, which belongs to your Lordship alone. My Lord, every person who has even the most elementary acquaintance with the rules of law which govern the criminal procedure of this country, is perfectly aware that the exercise of the right to say “stand by” to a particular juror by the Attorney General or those representing him, is one which is absolutely unquestionable; so much so, that in a case
that

that I myself was present at, a learned and distinguished judge ruled that he would not permit observation or comment upon the exercise of what, he said, was an undoubted and unquestioned right, to be made even by the counsel for the prisoner in whose case it was exercised, and to be made even in court, respectfully made to the judge himself who was presiding at the trial; and that for perfectly obvious reasons. My Lord, there is no imputation upon a juror in whose case the Attorney General exercises the right to say "stand by." There are numbers of circumstances which may influence the Attorney General in taking that course, or those representing the Crown, which it is absolutely impossible to have investigated in Court, in which the law allows to those representing the Crown, entrusts to those representing the Crown, I should say an absolutely uncontrolled discretion, and in reference to which no inquiry can be possibly permitted, even in Court. But the object of the article I have read to your Lordship is obvious and plain; it is to discredit the administration of justice, and it is to endeavour to arouse in the minds of those who are attending this Court as jurors a feeling of dissatisfaction against the mode in which business is conducted by your Lordship's tribunal, and to interfere with the calm, free, and judicial administration of justice in this public Court. If comment of this kind were permitted to go on our jurisprudence would become a mere farce; we would be here for the purpose of doing as we were told by Mr. Edmond Dwyer Gray, of the "Freeman's Journal," and, of course, by other journalists in the same way, because if comment of this kind, while a Commission is actually sitting, and whilst jurors are in attendance on the Court, is permitted in one newspaper, it must be permitted to all, and there would be an end of that calm and free administration of justice which it is essential should be provided for in our Courts. But that article does not stand alone. It was followed by another on the 12th of August, last Saturday, which is even more pronounced, and I shall read the whole of that article:—

"We are unwilling to credit the rumour that the Crown have resolved that juries exclusively, or almost exclusively, Protestant shall determine in some cases the liberty, in other cases the lives, of the prisoners on trial at Green-street, yet colour is lent to the report by the fact that yesterday, in the capital case, just as on the previous day in the Whiteboy case, Catholic gentlemen of admitted respectability and position were ordered, to stand aside, when they took the book to be sworn."

Let me pause there for a moment to say that such an idea as investigating the religious belief of gentlemen has never entered into the contemplation of those representing the Crown, nor can it or ought it for a moment. I admit that what this journal says as to the respectability of these gentlemen, some of whom we told to "stand by," is undoubted; and the Crown, or those representing the Crown, never meant to cast the slightest reproach on them, any more than is conveyed against a juror on being challenged by the prisoner. The article proceeds:

"To the gentlemen in question no stereotyped 'trade' objection can be, and the inference, therefore, is that they were shoved aside from their duties as jurors simply because they are Catholics. If this is true, an odious and, it was hoped, obsolete practice has been revived, and the course taken, as unnecessary as it is injudicious, must naturally cause indignation and resentment in Catholic circles. The notion that such men as Edward Lenehan, of Castle-street, William Dennehy, of John-street, and others whom we could mention, should not be trusted to find a true verdict according to evidence in country cases brought to Dublin for trial, which is the simple and only inference, is offensive in the extreme. The representatives of the Crown would not venture to publicly make such a declaration, yet the names of the gentlemen specified appear in the published list of the rejected. The matter is one that calls for inquiry and explanation. For the present we will only express our regret that the representatives of the Crown should deem it necessary and expedient to boycott Catholic special jurors of the city and county of Dublin. That this has been done we fear there is no doubt, and we apprehend that no other interpretation of the action of the Crown can be given than that Catholic gentlemen are subjected to the shocking imputation that they are not unprepared to violate the solemn obligation of their oath in cases which are supposed to arise out of political agitation in the country. Would the managers of the Crown prosecutions in Green-street dare openly make such an accusation?"

Now, my Lord, that infinitely transcends in audacity—I use the word advisedly—that which had taken place in the publication the previous day. What is the obvious and necessary consequence of the publication of an article of that sort? If it were permitted to go unproved and unchecked, aye, and unpunished, it would be to stir up class feeling and prejudice amongst the jurors, and render such a thing as the free administration of justice an impossibility. The importance of an article of that kind is that by making these accusations against those representing the Crown, who are merely discharging what they consider to be their duty, in reference to which, if they have committed any mistake or impropriety, they are responsible under your Lordship's jurisdiction—it would be holding up those representing the Crown to the odium of a large portion of the community in which we live, and the endeavour is to fasten upon a large class of jurors the imputation that they are—by those conducting the prosecutions—looked upon as not worthy of having faith reposed in them upon their oaths. Such a statement is absolutely and wholly without foundation; but it is made there, and made for a purpose, and, probably, with an effect—if not checked—of preventing justice being done in the Courts, of creating

class feeling and prejudice in the minds of those very persons on whose impartiality the liberties of prisoners, and the rights of the public, are largely dependent. It seems to me that a publication of that kind, circulating, as undoubtedly it does, amongst the jurors in this locality, is one that renders it impossible for the Crown to avoid taking the course they have done in bringing the matter officially under your Lordship's notice. These two articles, followed up by some comments, which it will be my duty to bring before your Lordship, in the paper of yesterday's date, are bad enough ; but there is another matter which stands upon a somewhat different basis, and which consists of publications which appeared in the "Freeman's Journal" of Monday. A letter appeared, printed in the issue of Monday ; not a day had passed, for the 13th, of course, was a Sunday, signed by "William O'Brien." Now, personally, my Lord, I have no knowledge of the existence of the writer of that letter, nor of who he may be. I have not been officially informed on that point ; but the letter purports to be a comment upon the conduct of the jury in the Ennis murder case. That was a case in which a verdict of guilty had been brought in by a special jury, guided, in reference to the trial, by your Lordship, as presiding judge, and that trial, no doubt, had been completed and ended at the time of this publication. My Lord, this letter, of course, bears a signature to it ; but whoever the writer of it may be, the publisher of it, whom we know, is the person who is officially responsible, and in reference to whose conduct he must be, for all purposes, treated precisely as if he had written it himself. The letter is in these words :—

" The Jury in the Ennis Murder Case.

" To the Editor of ' The Freeman.'

" Dear Sir,

" Imperial Hotel, Dublin, Saturday, 12 August.

" I think the public ought to be made aware of the following facts. The jury in the murder case of the Queen v. Hynes were last night 'locked up,' as it is termed, for the night at the Imperial Hotel, where I also was staying. I was awakened from sleep shortly after midnight by the sounds of a drunken chorus, succeeded after a time by scuffling, rushing, coarse laughter, and horse-play along the corridor on which my bedroom opens. A number of men, it seemed to me, were falling about the passage in a maudlin state of drunkenness, playing ribald jokes. I listened with patience for a considerable time, when the door of my bedroom was burst open, and a man whom I can identify (for he carried a candle unsteadily in his hand) staggered in, plainly under the influence of drink, hiccuping "Hullo, old fellow, all alone?" My answer was of a character that induced him to bolt out of the room in as disordered a manner as he had entered. Having rung the bell, I ascertained that these disorderly persons were jurors in the case of the Queen v. Hynes, and that the servants of the hotel had been endeavouring in vain to bring them to a sense of their misconduct. I thought it right to convey to them a warning that the public would hear of their proceedings. The disturbance then ceased. It is fair to add that no more than three or four men appeared to be engaged in the roaring and in the tipsy horse-play that followed. I leave the public to judge the loathsomeness of such a scene upon the night when these men held the issues of life and death for a young man in the flower of youth, when they had already heard evidence which, if un rebutted, they must have known would send him to a felon's grave. The facts I am ready to support upon oath.

(signed) " William O'Brien."

Now, my Lord, presuming, and I am assuming now in favour of Mr. Gray, that that is a genuine letter, and that that letter he believed to be a genuine communication, that it was received in his office as a genuine and ordinary communication, what was his duty in reference to it? My Lord, as a public journalist, I respectfully submit that he ought never to have published such a communication at all. Comment in newspapers upon the mode in which jurors conduct themselves out of court is a matter which cannot for a moment be permitted. If they commit any misconduct in court, it is for the court to reprove them ; if any misconduct outside is alleged against them, it is for the court to deal with them. The court is the tribunal to which any such complaint ought to be made. But to drag the conduct of jurors before the public after a case is concluded, with the view solely and simply to discredit the verdict at which those jurors have arrived, is an endeavour to tamper with the administration of justice ; to defeat justice and render it impossible. My Lord, the writer of that letter must have known, and if the writer did not know, the publisher of the letter in the paper must have perfectly well known that it could have no effect if believed in, except to raise prejudice in the public mind. So far as the case itself was concerned, it was concluded and over, and, therefore, if this had been merely the publication of a letter of that kind by Mr. Gray in the ordinary course of his business as a public journalist, it was a scandalous indecency of a character which could not, I respectfully submit, be permitted to go unpunished ; a scandalous indecency for which he is undoubtedly responsible. But what are the facts of the case? Mr. Edmond Dwyer Gray is not merely the publisher of the "Freeman's Journal," but he is also the High

High Sheriff of the City of Dublin, and it is so sworn in the affidavit; and if there was anything in the control of the jurors, after they had left the Court, he was the person who was responsible for that himself, and it was his duty, if this matter had been brought before him, to have suppressed and prevented the publication in the newspapers of anything that would have been calculated to interfere with the administration of justice, and to have instantly consulted your Lordship for legal advice in the matter with a view of submitting his own duty, or his own breach of duty, to the Court, and leaving it to be decided by the proper tribunals. Mr. Gray seems to have forgotten that if there is a word of truth in the letter, which I do not for a moment admit, it is a matter which cannot be inquired into. Without admitting that there is one shadow of foundation for the statement in that letter; if there was truth, and if he believed it to be true, he has committed a very gross breach of duty in bringing it before the public with a view to raise prejudice against the jurors in that case and in other cases which may come on for trial here before the Court. He was bound, in the discharge of his own duty, to have come to the law under which he was bound to act as a ministerial officer. But, my Lord, the publication does not stop with the letter. There is also a leading article in the same paper, which I will read to your Lordship:—

“On Saturday Francis Hynes was found guilty of the murder of John Doloughy. The circumstances of the case were in every sense most lamentable. We cannot think that the evidence will so far satisfy the public conscience as to induce it to regard the execution of the capital sentence on Hynes with equanimity. True, the dying man, when questioned as to the murder, repeated more than once the words Francy or Francy Hynes; but, then, the fear of Hynes was long fixed in his mind, and his wounds were of such a character as to be calculated to unsettle his mind. The mere repetition of a dreaded name is, under such circumstances, very different from a detailed story of how the crime was committed. Nothing of this kind was given; and, on the whole, without desiring in any way to screen the guilty, we say that it would be safer for the Executive not to rush too hastily to the application of the blood penalty in a case in which there certainly is an element of doubt, and we say that the ends of justice would be better served if the sentence were commuted. This is an opinion upon the evidence alone; but what shall we say of the fearful tale given by Mr. William O'Brien with reference to the conduct of the jury on the night before they found a verdict which was to bring Hynes to a dishonoured grave. It is fearful; it is horrible; it makes one shudder. In what state of mind can these men have been, when, a few hours after the proceedings described, they were called upon to decide whether a fellow-creature was to live or to die? Can the Executive refuse to take cognizance of Mr. O'Brien's proffered evidence? Can they refuse to act upon it if proved to be true? Knowing Mr. O'Brien as we do, we place the most absolute confidence in every word he says. But let the Executive test his veracity. If it remain unimpeached, then we say that his disclosures are such as to make us blush for our common humanity. We have heard of men hanging that jurymen might dine, but what of a man hanging because jurymen have dined—not wisely, but too well?”

My Lord, I was not present at any portion of that trial. I have, however, made myself acquainted with the proceedings as they occurred in court, and your Lordship, as presiding judge, of course was present during every moment of that trial, and I think I am stating that which is in the knowledge of every person who was present in court, and which I have no reason whatever for a moment to doubt, that a more perfectly calm, careful, honest investigation than was given to that case by the jury who tried it it would be impossible to conceive. Their conduct was exemplary in the extreme from the commencement to the conclusion of the case, and that as to the appearance of misconduct or anything which would entitle the writer of any article, in morals, much less in law, to hold them up to the odium and execration of the community in which they dwelt, it never could be dreamt of. In the first part of the article we have a discussion of the case, and the writer, whoever he may be, of course I don't know; it is an anonymous article; I don't know who the writer may be, but he thinks that, writing in Prince's-street, he is to constitute himself a court of appeal from your Lordship and from the jury who heard the case, and he is to pronounce, in the name of justice, that the proceedings, at a single moment of which he, probably, was not present, were all wrong; that everybody who took part in the proceedings was guilty of monstrous misconduct, and that he alone is an absolutely infallible judge, and perfectly competent to sit as a court of appeal over the proceedings of both judge and jury. But as regards the latter portion, in which comment is made upon the letter of Mr. William O'Brien, it certainly appears to me that it transcends in the qualities I have already referred to, in audacity, the previous part of the article. The jurors who attend this court have cast upon them by law duties of the utmost gravity to discharge. There never was a time in the history of the country when the discharge of their duties, uninfluenced by terror or fear, was more vitally essential; and that is the time in which this anonymous writer, for whose every word Mr. Gray is just as responsible as if he had written them himself, selects for the purpose of pillorying the jurors in reference to the charge of misconduct which is continued down to the very time the verdict was given, because the meaning is that sentence of death was pronounced upon the man because the jury were intoxicated at the time. My Lord, that was followed by a long correspondence in the same paper of yesterday.

The first portion of the article headed "The Conviction of Francis Hynes," I need not read; it is merely a report of the application made on Monday by the foreman of the jury. Then it goes on:—

"To the Editor of the 'Freeman.'

"Dear Sir,

"Imperial Hotel, Monday Night.

"As my accusation against certain jurors in the case of the Queen v. Hynes is to form the subject of judicial inquiry, I shall only say in reference to Mr. Barrett's statement in the Commission Court to-day that the further evidence which has now come to my knowledge makes me more anxious than ever to court the fullest investigation as to the truth of my charge.

"Your faithful servant,

"William O'Brien."

That is a reiteration of the charge also published by the High Sheriff, an officer of this court. The correspondence is continued thus:—

"The following letter has been furnished to us by telegraph for publication by Mr. Edward Finucane, Ennis:—

"To the Editor of the 'Freeman.'

"In reference to Mr. Justice Lawson's comment on cross-examination of young Doloughy in the Clare murder case, where, relative to conversation of his with an Ennis shopkeeper, his Lordship said it showed the lengths people interested in defeating the ends of justice will go, I am the shopkeeper referred to, and am as well known to be incapable of acting such a part as the judge who decided according to law that a cool and uninvited statement made to me by the boy was inadmissible, as even my servant also heard his distinct statement in reply to my remark deploring the murder of his father, and referring to the arrest of Hynes that as nothing will be done to him because whoever would do it he would say it was Francy Hynes. I did not volunteer to give evidence, but feel surprised the law, of which Judge Lawson is the mouthpiece, refused to hear facts which no juryman could doubt, and which would enable them to judge the state of mind the murdered man was in even before the awful occurrence."

The prisoner on that occasion was represented by able counsel, who knew how to conduct his case, and if there had been any misconduct or omission on the part of the jury, or on the part of your Lordship in reference to the admission of evidence, or not attaching proper weight to it, it was for him to comment on it, and not obscure scribblers in newspapers.

Mr. Justice *Lawson*.] I can only say that the MacDermott who defended the case did not press that evidence, it was so manifestly inadmissible.

The *Solicitor General*.] He was too much of a lawyer to press it.

Mr. Justice *Lawson*.] Things have come to a nice pass when a man of this kind will write about a judge.

The *Solicitor General*.] Here is another letter from the solicitor; another phase in the transaction:—

"To the Editor of the 'Freeman.'

"Dear Sir,

"6, Upper Ormond Quay, 14 August.

"As the solicitor who was engaged in instructing counsel and otherwise acting in the defence of this prisoner, I beg to lay before your readers and the public a short statement of some facts that marked the course of procedure on his trial in a way that struck me as very inconsistent with what should be calculated to inspire faith and confidence in the administration of the laws in this or any other country."

My Lord, that is plain speaking. What occurred is calculated, that is the meaning of it, to deprive the proceedings in suits of faith or confidence, and to bring the administration of the law into contempt, and render the execution of the law impossible.

"The sheriffs of the county and city of Dublin returned each a special panel of 100 men to try the several cases which should be sent up from the provinces to the present Commission. For the purposes of the present case I will assume that each of these two panels was chosen with perfect fairness by the respective sheriffs of the county and city. I know the sheriff of the city to be an honourable man. At this moment I do not know the name of the sheriff of the county, but I assume him also to be an Irish gentleman, and perfectly honourable—for why should any man of that rank be otherwise in the discharge of so serious a public duty."

When he is writing to Mr. Edmond Dwyer Gray, the sheriff of the city, he assumes no person in his position will be guilty of any breach of public duty, and I venture to say in returning the jury there is no fault to be attached to Mr. Gray; he was acting under a statute and did his duty under it. This purports to have been written by a solicitor, but there is no application against him; it is against Mr. Gray for publishing it. Mr. Gray publishes that compliment to himself, but what does the writer say about the jurors, who are in a public position at least as important; and what does he say about the judge?

"However,

"However, when the jury came to be selected in open court, in the presence of the Attorney General and the other counsel engaged in the prosecution for the Crown, what took place? The gentleman acting as solicitor for the Crown, as it appears that he had a legal right to do, in exercise of the powers with which he is vested by the laws as at present constituted, ordered every gentleman of the Roman Catholic persuasion, or of Liberal principles in politics, to stand aside, as if unworthy to serve on that jury. I have been upwards of 30 years engaged in my profession, and must say that I was never more amazed than at this what I consider extreme step on the part of those acting for the Crown towards a young person who was brought far away from his home, and before jurors to whom he or his antecedents were wholly unknown, but who were still the persons called upon to pronounce on his guilt or innocence. Whilst the jury was being empanelled I felt it my duty to challenge 11 out of the 49 who were called and answered, but what was my astonishment to find that the Crown ordered not less than 26 of those specially summoned jurors to stand aside as if unfit to sit in judgment as jurors on the case, and particularly when I was constrained to observe that amongst the persons so included were also those who happened to be called who professed the religious or political principles to which I have before referred.

"John Frost."

He admits he exercised his rights of challenge, which is a very different right to saying "Stand aside." When a juror is challenged he cannot absolutely be called again on that case; whereas "Stand by" passes the juror over, but does not prevent serving if there is a deficiency of jurors. What is the impression that is intended to be left on the minds of these gentlemen who were told to stand aside? It is that the Crown is partisan and actuated by feelings hostile to those jurors, who in the exercise of their discretion, for many reasons, some of them reasons in which the jurors would themselves most perfectly acquiesce, have been passed over. My Lord, there is only one other letter:—

"To the Editor of the 'Freeman.'"

"Dear Sir,

"14 August.

"Would it not be advisable, considering all the circumstances of this unfortunate man's case, that a memorial should be prepared for signature to be presented to the Lord Lieutenant, praying a remission of the capital punishment; and I feel certain that the jury will lead the way. The Crown desires no victim, only that justice may be vindicated, and penal servitude will certainly satisfy her.

"I enclose my name, &c."

"Spes."

Of course, I only include that as being portion of the publication of that day, under the same head. Now, my Lord, the principles upon which this court acts in reference to publications in the public press are perfectly clear, and perfectly settled, and do not admit of question. It would be pedantry to be citing authorities to your Lordship. Any publication in the public press which is calculated in the mind of the presiding judge to interfere with the free exercise of the duty of a court or the administration of justice, is a contempt of court. It is true, in reference to the Hynes' case, that that trial had concluded, and as to that trial there ought to be something to be said as to whether the comments on it were a contempt of court; but the court had not concluded its business. These same gentlemen who took part in that trial are liable to serve. I presume some of them did serve in subsequent cases; your Lordship is still bound to remain until the business of the Commission has closed; and an attack upon the jury in that particular case cannot for a moment be treated as if it were merely comment upon a particular and individual case, if it is obvious that the publication was not confined to that case, but must extend to the entire administration of justice. Is Mr. Gray responsible for the publication of these articles, or is he not? The affidavit of which I have read portion to your Lordship, goes on to say:—"I say the said 'Freeman's Journal.'

Mr. Edmond Dwyer Gray, M.P.] Perhaps I may save the time of the Solicitor General, and of the court, by saying I quite acknowledge my responsibility.

The Solicitor General.] The affidavit says:—

"I say the said 'Freeman's Journal' is printed and published in the City of Dublin, and circulates largely in the County and City of Dublin, and amongst the class of persons who are upon the jury panels respectively, and I say the said publication, in my opinion, is calculated to interfere with the due administration of justice, and the free and impartial discharge of their duties by the jurors in the Commission Court; and I am advised to submit that the publication of these articles are a contempt of this court. I say that Mr. Edmond Dwyer Gray, who is at present the High Sheriff of the City of Dublin, is the sole proprietor of the 'Freeman's Journal,' upon each copy of which his name appears as publisher."

Now, my Lord, that is the affidavit on which this application is granted. I don't rest the application merely upon the ground of an attempt to interfere with the administration of justice so far as the jurors who have already served are concerned. I rest it with reference to the jurors at the entire of this Commission. The object of these articles is to stir up partisanship, which will render a fair trial impossible. I also rest it upon comments on the conduct of the presiding judge, though I know your Lordship would be most unwilling to entertain it on that ground alone. I shall wait to hear what apology or explanation

nation will be offered. The court cannot deal with the question of who is the precise scribe who wrote the articles. If you find the proprietor of a newspaper receiving the profits of such comment he is absolutely responsible, and the court cannot enter into any explanation of whether he did or did not write or know of the publication of these articles. It will be open to Mr. Gray or his counsel to satisfy your Lordship, if he can, that these documents are not of the character I have described. It will be open for him to show that they are not inconsistent with the calm discharge of their duty by the tribunal in reference to whom they were published. If that cannot be done, and if it be impossible to convey any other idea but that these documents are calculated to tamper with the free administration of justice, I apprehend your Lordship will have no alternative but to deal with such publications as a very gross and a very dangerous contempt of court, and act in such a manner as your Lordship thinks fit.

Mr. *Edmond Dwyer Gray*, M.P.] My Lord, through the courtesy and the consideration of Mr. Morphy, the Crown Solicitor, I was handed this document last evening, at a rather latish hour, and just as I was leaving my own house, conveying the notice to me that at 11 o'clock this morning an application would be made, on behalf of Her Majesty's Attorney General for Ireland, to your Lordship that I should be committed to prison for contempt of court. As I have stated to your Lordship, it was at a late hour last evening that I received this notice, and I have not had time since sufficiently to instruct counsel, or to consult a solicitor, and I must, therefore, throw myself on your Lordship's consideration in making such statements as I may think it necessary to make on the subject of this application. I am not aware of the course of procedure customary in cases of the kind. I certainly was under the impression, however, that the usual form of such an application was, that the person accused should be required to attend before the court to show cause; that the usual course was that of an *ex parte* application, first, to fix a day when the case should be heard, and the accused person permitted to come before the court and show cause against the application, or adopt such other course as he or his counsel might deem advisable.

Mr. Justice *Lawson*.] You are the High Sheriff, and you are bound to be always in attendance in this court.

Mr. *Gray*, M.P.] Even so, my Lord; my being bound as High Sheriff to be present in your Lordship's court would not furnish me with the formal notice to which I have referred. What the Solicitor General proposes, however, is that I should be sent to prison first and tried afterwards. Now, my Lord, there is one point I am very anxious to make perfectly clear, and I do not think it will require many words to convince your Lordship, that in the articles and letters which appeared in the "*Freeman's Journal*," of which newspaper I acknowledge that I am the proprietor, and for everything appearing in which I am, of course, responsible, that no personal disrespect whatever either to your Lordship or your Lordship's court was intended to be conveyed.

Mr. Justice *Lawson*.] I would not entertain any application whatever on the ground merely of personal disrespect to myself.

Mr. *Gray*, M.P.] I am sure your Lordship would not, and that you do not, attribute any such motive or intention; but at the same time I desire very emphatically to disclaim on the part of all concerned, and on my own part, any suggestion of the kind; but as a matter of fact I do not think the articles bear that construction; lest, however, any person should think they do, I think it my duty to say none such was intended. Now, my Lord, I wish to say a word with regard to the observation made by the Solicitor General as to the peculiar and anomalous position which I occupy, owing to the fact of my being High Sheriff, as well as the conductor of the newspaper in which the articles appeared which have been impugned. The Solicitor General seems to be under the impression that because I happen to be the High Sheriff it was my duty to suppress the publication in the "*Freeman's Journal*" of any articles or communications in reference to the trials in this court. I beg to state that when I accepted the office of High Sheriff of the city I was under the impression that my acceptance of that position would in no way interfere with the honest discharge of my duties as a public journalist, and I can only say that my view as to those duties differs very widely indeed from that which has been stated by the Solicitor General. In my opinion it is the duty of a public journalist to comment freely and fearlessly upon the conduct of public tribunals, and upon the mode in which justice is administered in this country. Now, the charges which the Solicitor General has made against the "*Freeman's Journal*" are of a twofold character. One charge, or one set of charges, has reference to the imputations which he alleges have been made by those scribblers, that being the term he has thought fit to employ with reference to the writers in the public press, to the effect that the representatives of the Crown unduly exercised the right of challenge, and exercised it in such a manner as to prejudice the fair trial of the accused. Now, the Solicitor General appears exceedingly anxious to relieve the representatives of the Crown from any imputation of that character. Any person listening to the long and able speech he made would be under the impression, did he not know the facts, that jury packing was quite an unknown thing in the history of the administration of the law in Ireland. That may be the view of the Solicitor General, but it certainly is not the general impression of the people of this country, and it is not mine. I need not point out to your Lordship that whether those charges be true or false, that it is, in point of fact, quite as possible to pack a jury by exclusion as it is by inclusion, and that if even out of an enormous panel of jurors the Crown exercises to an undue extent its right of setting

setting aside, it may secure a jury who will to a moral certainty find a verdict in accordance with its wishes. Now, I put that merely as a matter of possibility; I am not saying that it has been done at this Commission; whether it has or has not remains to be seen; but as a matter of fact I assert that a jury can be packed by the Crown by a system of exclusion quite as effectually as by any other plan which may be open to them to adopt. The real question, I take it, is, whether that charge is true or not. The Solicitor General seems to think that it is out of your Lordship's province to inquire into the matter. If so, of course the only thing will be what amount of punishment, or what term of imprisonment your Lordship should mete out to me. But, with all respect, the question, it seems to me, is whether the statement was true or not; was the right of exclusion exercised to an undue extent by the Crown? Were Catholics ordered to stand aside because they were Catholics? Were Liberals directed to stand aside because they were Liberals? Were juries of a certain complexion selected by the Crown by means of that system of exclusion? Now, I am not in a position to go into that question to-day, and on that point I would ask your Lordship to grant an adjournment of the case in order that the action of the Crown in connection with the selection or exclusion of jurors may be more carefully investigated, and if it shall be proved that the statements in the "Freeman's Journal" in that regard were unfounded, I shall offer to the representative of the Crown such apology, and render such reparation as your Lordship shall deem necessary. But if, on the other hand, I find on inquiry that the charges were well founded, I shall ask permission to lay before you, either by affidavit, or in such other way as may be proper, such evidence as I may be able to procure in support of the statements that have been made. I now come to what I regard as a much more serious matter, the letter of Mr. William O'Brien and the comments of the "Freeman's Journal" thereon. Now, I am not only responsible, as proprietor of the "Freeman's Journal," for the publication of that letter, but I have no hesitation in avowing that I am personally responsible for it, and also for the comments which appeared upon it, inasmuch as I knew of its insertion, and it was I myself that wrote the article which the Solicitor General has characterised in such emphatic language. The Solicitor General says that he knows nothing of Mr. William O'Brien, the writer of that letter. I believe he is sufficiently well-known in this city to have enabled the Solicitor General to have ascertained his character by inquiry. Suffice it to say, I know Mr. O'Brien, and that I published the letter because I knew it was a *bona fide* letter, written by a gentleman residing in the hotel, a gentleman whose friendship I enjoy, of whom I have personal knowledge, and whom I believe to be absolutely incapable of stating anything which was not true. Now so far from the facts as stated by Mr. O'Brien being exaggerated—

Mr. Justice *Lawson*.] That is a matter you cannot enter into; the hearsay of a waiter, as I understand. I cannot investigate the truth or falsehood of that letter. As has been already stated by the Solicitor General, you, as High Sheriff, had the custody of those jurors, and it was your duty to see that they conducted themselves in a proper and becoming manner. I must assume that you did your duty, and I decline to enter into any such inquiry.

Mr. *Gray*, M.P.] My Lord, I think that portion of the statement of the Solicitor General was the only thing of which I have personal reason to complain. He stated that I, as High Sheriff, was responsible for the way in which the jury behaved. Now, of course, the High Sheriff nominally has custody of the jurors; but it is well known, and the Solicitor General must have been aware, that though the High Sheriff is nominally responsible, the Sub-Sheriff and his officers do the entire work.

Mr. Justice *Lawson*.] That does not render the High Sheriff less responsible. I hold you as High Sheriff to be responsible for the proper custody of the jurors.

The *High Sheriff*.] What I was complaining of, my Lord, was the statement made by the Solicitor General, which was calculated to convey a wrong impression upon those who were not aware of the facts. I believe the actual cause is that a number of persons are sworn in by the Court as special constables to take charge of the jury; and while I do not deny the nominal responsibility of the High Sheriff, I respectfully say the real responsibility rests upon those persons who are selected by the Court, and sworn for the purpose of discharging the duty.

Mr. Justice *Lawson*.] That is an entire mistake. The jurors remain in the custody of the High Sheriff, and the parties who are sworn are under the authority of the Sheriff to assist him in taking charge of the jury.

Mr. *Gray*, M.P.] Then, my Lord, I may have something to say with regard to my conduct as Sheriff, if it be shown that those jurors were, owing to the negligence of my subordinates, permitted to misconduct themselves. The Solicitor General says that this is not a question which can be investigated; but in my judgment it is a question whether as a public journalist, having been informed that these jurors did misconduct themselves in the hotel, and being informed, as I subsequently have been, that they were drinking in the public billiard-room of the hotel in company with—

Mr. Justice *Lawson*.] You had better not make any statements of that character. They will not at all assist your case.

Mr. *Wm. George Barrett* (Foreman of the jury in the *Queen v. Hynes*), speaking from the gallery, said,—My Lord, as one of the jury, I beg to say the statements are totally destitute of truth. The jury court every inquiry.

Mr. *Gray*, M.P.] I was informed that those jurors were drinking that night in the public billiard-room of the hotel.

Mr. Justice *Lawson*.] I must request you not to repeat that statement.

Mr. William O'Brien (Editor of "United Ireland").] My Lord, I do not know whether, as the writer of the letter, you will listen to a statement from me.

Mr. Justice Lawson.] Sit down, sir; I am not going to investigate the matter; I have no power to do so. If an action for libel were brought against this man, whoever he is, who wrote that letter, of course the truth or falsehood of the statement might then become matter for inquiry; but in the present case, Mr. High Sheriff, the charge against you is, that you committed a contempt of court by the publication of these documents.

Mr. Gray, M.P.] My Lord, I respectfully submit the question is whether I, as a public journalist, having as I thought sufficient reason to believe that the statements were true, acted rightly in publishing them or not. The trial was over at the time; the jury had been discharged, and I certainly was under the impression—of course, I may have been wrong; I do not pretend to understand the law; but I have always been of opinion that it was the right, and in certain cases the duty of a public journalist to comment on trials of this kind after they have been completed, and if it were shown that anything of an irregular or an improper character had taken place, that it was out of the functions of the public press to bring it before the public. The Solicitor General says, that so long as the Commission lasts, we were not justified in making any comments of this kind. Now in that connection I will put a hypothetical case. This man, Francis Hynes, is to be hanged in three weeks. Suppose the Commission had sat for four weeks, it would be according to the Solicitor General our duty to refrain from bringing this matter before the public till a week after the man was hanged. That may be law, but it does not appear to me to be common sense. I consider that if these facts were true,—I do not wish to discuss them further, as your Lordship says I am not to do so,—the statements in the "Freeman," so far from involving any suggestion of interference with the administration of justice in this or any court, a suggestion which I utterly disclaim and repudiate,—I say so far from doing anything of this kind, that we were materially assisting the administration of justice by bringing before the public as well as before the court, and before your Lordship, any facts which might affect the regularity of the proceedings in this court as owing to the circumstances I have stated. I am here without any professional assistance. I would ask your Lordship to adjourn the case for such time as you may deem fit in order to afford me an opportunity of consulting professional assistance with a view of putting in such form as I may be advised the facts which I have indicated in my statement. I repeat that, if we find we have stated anything untrue, I am ready to apologise in the fullest possible manner to the court. As I said to your Lordship, there was no intention in my mind, or I am sure in the minds of the conductors of the "Freeman's Journal," to be guilty of any kind of disrespect or contempt to the court. What we did we did honestly, believing we were discharging our public duty, and believing that that duty was as important in its way, perhaps, as the duty discharged by the Solicitor General. If your Lordship will permit it, the writer of the letter is in court, and ready to testify to his knowledge of the facts; and if these facts be as stated, I say that the language of the leading article, "they were horrible and fearful, and calculated to make us blush for our common humanity," was not stronger under the circumstances than the facts would justify. I would ask your Lordship under the circumstances to give me an opportunity of consulting professional assistance, as it is not very pleasant to go to prison as has been proposed by the Solicitor General, and I might wish to place some facts before your Lordship which may induce you to take a more lenient view of the matter.

Mr. William O'Brien.] My Lord, in justice to Mr. Gray, will you permit me to say a word?

Mr. Justice Lawson.] I will not hear this person at all.

Mr. William O'Brien.] My Lord, I am the writer of that letter, and I am ready to justify every word I have written.

Mr. Justice Lawson.] Police, remove that person. If you dare to disturb the court any more I will put you in the dock.

Mr. William O'Brien (leaving the Court).] Very well, my Lord.

The Solicitor General.] With reference to the application that this matter should be adjourned for a week in order that Mr. Gray may have an opportunity of discovering whether the statements are true or not, I cannot agree to it on that ground; but if it were made with a view of obtaining professional assistance and advice, if it had been made in the first instance, I could not have objected to it, but Mr. Gray has now made a full statement as to the matter both of fact and belief, and I cannot, representing the Crown, give any consent now to the adjournment of the case.

Mr. Justice Lawson.] In my opinion there is no ground for adjournment in this case whatever; and the only two matters that can be in controversy according to law, are, first, is Mr. Gray responsible for the publication of these articles; this he admits himself, and it has been proved; and, secondly, which is a matter for me, upon reading articles, and considering all the circumstances, are they articles that constitute contempt of court? In other words, do they tend to interfere with the administration of justice? Are they calculated so to interfere, and were they intended so to interfere? Now I have had considerable experience in applications of this kind. I remember, in one case in Belfast, where I presided at a very important Commission there, on the second day the Commission sat, a journalist in that city thought fit and proper to write articles of this kind reflecting upon the trial of a case that was then over, and reflecting upon the mode in which the jurors were summoned. The editor of that paper was brought before me by the proper authorities, those representing the Crown at the time. He was represented by

by a very able gentleman, Mr. Butt, and the matter was brought forward before me, and I felt it my duty to sentence the editor to fine and imprisonment. The result was those comments ceased, for I was perfectly satisfied that unless I interfered in that way those comments would have been continued, and would have rendered it quite impossible that the administration of justice could have been carried on with that freedom and absence of fear and apprehension which is necessary in conducting the administration of justice. In my opinion each and every one of these articles constitute a grievous contempt of Court. I think the earlier ones, containing these atrocious allegations about the exclusion of Catholics from the jury, are especially a contempt of Court, and they are written for one purpose, and one purpose, namely, to excite in the minds of the gentlemen of that persuasion attending on the jury panel an idea that they are ostracised, or unfairly dealt with, and the intention is that when any Catholics are called on a subsequent jury, there should be an impression left on their mind which would prevent them, and interfere with them in the due and proper discharge of the administration of justice. In my opinion jurors, of all persons in the community, require to be protected in the discharge of their duty. As to judges, that is not much matter; they are probably able to protect themselves; but jurors come here and act without fee or reward; they undertake, not voluntarily, but compulsorily, the most arduous duties. They have upon this occasion been summoned according to law by the very publisher and writer of these articles, and in obedience to that summons they come here and attend, and are they to be subjected to intimidation of this kind and denunciation, for I can call it nothing else, that is the denunciation of these gentlemen who discharged their duty so well in that case of Hynes, alleging that they were totally unfit for their duty. I must say, as the judge presiding at that trial, I never saw a jury exhibit more intelligence or devote more care to the evidence, and I think that one of the strongest proofs of that was that I myself, on the evening that the case was tried, in considering carefully and painfully over the case, one point struck me which had not been developed or alluded to in the evidence, and I had a great wish to have that point elucidated. The very first thing that occurred next morning, when the jury appeared in the box, was that one of them desired to be satisfied on that point, showing that they themselves had gone through the same mental process as I had gone through, and that this had struck them as an important point; therefore I reject altogether the idea that the gentlemen composing that jury were capable of the atrocious conduct imputed to them. I believe it to be a thorough invention, and treat it as such; but there is a letter and a leading article. I would not allude to this, but what is the position of a juror discharging his duty in this Court; what is the position of these twelve jurors held up to public execration in the "Freeman's Journal"? We know that jurors have lost their lives in this country, and in one remarkable instance, that of Mr. Herbert in the county Kerry, who lost his life for discharging his duties as a juror; and I as a public judge am to sit here and tolerate this conduct! I should be unworthy of the position I hold if I did not mark these proceedings in the strongest possible manner with a sense of my disapproval, and so far as I can endeavour, to protect jurors in the discharge of their duties. I see perfectly well that the design of all these articles is one,—it was to endeavour to destroy in the public mind the moral effect of this conviction; that was the object, and nothing else, and to interfere with the trial of the subsequent cases, and to prevent juries from bringing to the discharge of their duties that free, that unfettered judgment, that judgment free from alarm and trepidation, which every man should have when he comes to discharge this duty. I think the position of Mr. Gray greatly aggravates his offence. I think he owed a duty to the Court which he has most seriously neglected; if there were any imputation against these gentlemen there was a mode of putting it in a train for proper inquiry; if there is an imputation against the Crown for having packed a jury after the Commission is over, that may be inquired into in the proper place; but during the pendency of the Commission to attack the Crown for packing juries, and juries for acting improperly on insufficient evidence, and to attack the judge for rejecting evidence which he ought to have admitted, that is a state of things which cannot be tolerated, and I therefore feel bound, in the exercise of the undoubted discretion I have, to sentence Mr. Edmond Dwyer Gray both to imprisonment and to fine; and accordingly the sentence of the Court is, that it appearing on the application of the Solicitor General, and in reading this affidavit, that these articles constitute a contempt of Court, ordered that Mr. Edmond Dwyer Gray be imprisoned for three calendar months, and that he pay a fine of 500 *l.* to Her Majesty the Queen, and that at the termination of the period of three months he give security, himself in 5,000 *l.*, and two securities of 2,500 *l.*, to be of good behaviour, and keep the peace towards Her Majesty the Queen, and all Her subjects; and in default of his giving security he be imprisoned for a further period of three months. And now I wish to be understood that if any other newspaper writes articles of a similar character as long as the Commission is sitting, and they are brought to me in the same way, I shall deal with them with quite as much severity as I have dealt with Mr. Gray. Let the coroner take him into custody.

Mr. Gray, M.P.] One word, my Lord. I don't know whether your Lordship would feel justified in allowing me a short time to arrange some private affairs before going to prison?

Mr. Justice Lawson.] In prison you will have every opportunity of arranging your private affairs, and I shall not deal with you differently from any other person whom I sentence to imprisonment.

The City Coroner (Dr. Whyte).] My Lord, am I to understand that I am the officer to carry out your Lordship's order to commit the High Sheriff to prison?

Mr. Justice Lawson.] Certainly. You, as Coroner, are the proper officer.

Dr. Whyte.] My Lord, how am I to carry out the order? I have no precedent for it.

Mr. Justice Lawson.] You must carry out the order the Court has made, or you will take the consequences.

Dr. Whyte.] Of course I will carry out your Lordship's order, but I have no precedent to guide me.

Mr. Justice Lawson.] Do you mean, Mr. Coroner, to discharge your duty or not?

Dr. Whyte.] Certainly, my Lord, if I am bound to do so.

Mr. Justice Lawson.] You are bound to do so, Sir, and if you don't do it at once I will call on the Sheriff of the County of Dublin to do it.

Dr. Whyte.] My Lord, you have not named to what prison the High Sheriff is to be committed.

Mr. Justice Lawson.] What is the legal prison, Mr. Murphy?

Mr. Ormsby (Sub-Sheriff, County Dublin).] Richmond Prison, my Lord. "Cease to do evil."

Mr. Justice Lawson.] Yes. Richmond Prison.

Dr. Whyte.] Am I personally to convey the High Sheriff to prison, my Lord?

Mr. Justice Lawson.] Certainly; you shall have any assistance you may require in doing so.

Mr. Gray was then removed in custody.

SATURDAY, 30 SEPTEMBER 1882.

Mr. Justice *Lawson*, on taking his seat on the bench, said:—In the case of Mr. Edmond Dwyer Gray, the High Sheriff of the City, who stands committed for contempt of Court under my order of the 15th of August, I have felt it to be my duty to consider what course ought to be taken at the close of this Commission, and before its adjournment to a distant day. I have now full power and jurisdiction to deal with the case, and it seems very doubtful whether any other authority exists which could interfere in the matter.

The power of the superior courts to commit for contempt is part of the common law of England, and is essential in order to protect the free administration of justice. It should however be used strictly in aid and defence of the proceedings of the Court, for the protection of suitors, and all those engaged in the administration of justice, including jurors, witnesses, and those engaged in the conduct of the prosecution and defence of criminals.

If these are attacked, a prompt and immediate check must be applied, for to wait for the result of an ordinary trial of the offender, would be to deny any remedy, because the mischief would have been completed before the remedy could be applied. It has been at all times used to check and restrain the publication of articles calculated to prejudice pending proceedings; and its exercise in the *Tichborne* and other cases in England, has had a very salutary effect, and the very knowledge of its existence, though it is not called into action, tends to check improper license.

During the course of my judicial experience I have only had occasion to exercise it once before the present time, in a case at Belfast, to which I referred in giving judgment in the present case. I was presiding over an important Commission, at which a great number of prisoners were to be tried for the Belfast riots. An article was written in a local journal, after the first important conviction had taken place, impeaching the conduct of the proceedings, and calculated to prejudice the minds of jurors, and prevent them from the free exercise of their judgment in the other cases pending. It was brought before me on motion by those representing the Attorney General, and I visited the publisher with fine and imprisonment. An attempt was made to quash that order in the Courts above, which failed, the result being that the fine was paid, having been with some difficulty and delay collected from his friends, and the injurious publications instantly ceased, the proceedings of the Court were carried on without further molestation, and Belfast was restored to tranquillity. I regret to say that a precisely similar attempt was made with respect to the present Commission, at a time when every legal and law-abiding citizen throughout the Empire was congratulating himself that at last a way had been found, by a judicious alteration of the place and mode of trial (still adhering to the ancient lines of the Constitution), of escaping from the paralysis of justice, under which, for so many years, complete impunity had been enjoyed by offenders of a certain class, and when the forces of the law seemed at last likely to cope successfully with crime and outrage; at that critical moment the publisher of a widely circulating journal endeavoured by a series of articles to discredit the proceedings of this Commission, and to destroy the moral effect of unimpeachable verdicts, by representing that they were arrived at by packed juries, selected on a principle of religious sectarianism, the publisher being himself the sheriff who was bound by his office to aid in the administration of the law.

I shall say nothing of the conduct of the jury in the *Hynes'* case; it has been vindicated upon full inquiry by the highest authority; but I think it right to say upon no view of their conduct, can the behaviour of Mr. Gray be regarded otherwise than as a grave offence. The jury were in his custody as sheriff. If their conduct was proper he ought

to

to have been the last party to attack them. If their conduct was improper, it was his indispensable duty to report it at once to the Court, in order that such steps might be taken as justice required. In no possible view of the facts could it be otherwise than a grave offence for the Sheriff of Dublin to attack, in a newspaper published by himself, the conduct of a jury under his charge.

If such publications had been allowed to pass unnoticed, how could juries subsequently impanelled in pending cases be expected to deliberate with that freedom from fear and constraint which they are entitled to have secured to them, and this too in a country where jurors are continually threatened and intimidated, and one was assassinated for the faithful discharge of his duty?

The law officers of the Crown, by whom, with their able colleagues, these prosecutions have been conducted with so much ability and fairness, could not, in the discharge of their duty, pass over such conduct, and when brought before me on a motion for an attachment, I could not but pronounce that a grave contempt of Court had been committed, aggravated by the character which the publisher filled in relation to the Court.

Having regard, however, to the principle I have laid down, that the exercise of this power is intended only to protect and secure the due administration of justice, I am bound now, at the close of this Commission, to consider whether the law has been sufficiently vindicated by what has already taken place. Mr. Gray has been now six weeks in custody; he must pay the fine of 500*l.*, which I shall not remit. The attacks upon the proceedings of the Court ceased at once, and have not been since renewed, and I am bound to say that a considerable change for the better has taken place in the tone of the paper; the trials are all concluded, and the action of the law officers and my order have been effectual in preventing the course of justice from being impeded.

I think I must also have regard to the fact that Mr. Gray fills the high office of sheriff of this city, and that I ought not to detain him in custody longer than the actual exigency of the case demands; thus preventing him from discharging his duties in person, and amongst others attending my successor, who is to preside in October in this Court. I therefore feel warranted in remitting the residue of the term of three months' imprisonment imposed by the order, and to order his discharge upon payment of the fine.

I have felt very considerable doubt whether I ought to dispense with the security required by the order, but I think on the whole it is better to do so for the sake of terminating an unpleasant state of things.

The Commission being over, this precaution is not necessary so far as its proceedings are concerned, and in the event of any similar publications appearing hereafter, which, in conformity with many precedents, this part of the order was intended to guard against, if any such should take place, we have now in this country an Executive armed with full powers to deal with them, and possessing firmness to put such powers in motion if the public safety should require it. In addition to that, I am not without hope that as the forces of the law are again in operation, which had been so long suspended, a better state of things may arise, and a reaction take place against the system of crime and outrage which has disgraced our country.

I therefore now make an order that, upon payment of the fine, the Clerk of the Crown do issue an order for the discharge of Mr. Gray from imprisonment.

Appendix, No. 3.

PAPERS handed in by Mr. Gray.

Two panels were returned to try the cases; one for the county, the other for the city of Dublin, each containing 100 names.

COUNTY PANEL.

The county panel contains 63 Protestants and 37 Catholics.

Two of the jurors on this panel were dead at the time it was issued. Their names are Patrick B. Darcy, Dunedan, Monkstown, merchant (Catholic), and Edward Nolan, of Killeen Mills, Inchicore, paper merchant (Catholic).

Two jurors—Charles L. Reis, 1, Aylesbury-road, jeweller; and J. B. Johnston, of Clyde-road, broker, are also returned on the city panel. The first is a Jew, the second a Protestant.

Two jurors being dead, and two being also on the city panel, reduces the county panel to 96 available names, of which 61 are Protestants, and 35 Catholics.

THE PROTESTANTS ARE—

1. William Macklin, Crofton-terrace, Kingstown, plumber.
2. George A. Newcomen, 20, Leeson Park, gentleman.
3. William Parry, Salthill, Monkstown, hotel-keeper.
4. John Quain, 49, Pembroke-road, Dublin, stockbroker.
5. John H. Reid, Holmston House, Kingstown, gentleman.
6. Captain Joseph Scovell, 1, St. John's-terrace, North Circular-road, retired captain.
7. David Waldie, Collinstown, Santry, farmer.
8. Robert F. Young, St. Margaret's, Dalkey, stockbroker.
9. Henry Alley, Maryvilla, Clonturk, Drumcondra, gentleman.
10. Richard D. Barber, 10, Grosvenor-road West, bank manager.
11. William Galbraith, Rathgar-road, Dublin, gentleman.
12. William James Halliday, Brookville, Monkstown, grocer.
13. John William Jameson, Lota, Blackrock, gentleman.
14. George Macnie, Baymont, Clontarf, printer and stationer.
15. George Newsome, Clapham-villas, merchant.
16. Dr. George V. Patton, 28, Burlington road, L.L.D., barrister.
17. Francis Moore Scott, Island Bridge, wool manufacturer, J.P.
18. Henry J. Vickers, Hermitage, Blackrock, barrister.
19. Robert R. Young, 8, Raglan-road, stockbroker.
20. Hugh Barr, Dodsborough, Lucan, farmer.
21. Captain George Carey, Laurel Lodge, Terenure, retired army officer.
22. Henry W. Figgis, 20, Grosvenor-road, merchant.
23. Robert Gardiner, Ashley House, 6, Clyde-road, accountant.
24. Charles R. Hamilton, Belgrave-square, Monkstown, gentleman.
25. Francis Johnston, De Vesci-terrace, Monkstown, gentleman.
26. John Lebrary, Braganza, Dalkey, merchant.
27. John Maconchey, Highfield-road, gentleman.
28. Henry Nicholl, Bohamer, St. Dolough's, gentleman.
29. Benjamin J. Patterson, 64, Leeson-street Upper, architect.
30. Strattell Scott, 39, Mespil-road, veterinary surgeon.
31. Dean Conroy Taylor, Priory, Rathfarnham, gentleman.
32. Arthur W. Vincent, 9, Clyde-road, gentleman.
33. Hugh Wallace, Dunleary-road, Kingstown, merchant.
34. Beresford Anderson, Greenhill, Killiney, esquire.
35. John Barr, Belgard, farmer.
36. Richard Carey, 57, Lansdowne-road, gentleman.

37. Henry

37. Henry J. Finlay, Corkage Demesne, gentleman, J.P.
38. John Gailey, Palmerston House, Rathmines, merchant.
39. Edward Hamilton, Orwell-road, gentleman.
40. Francis Johnston, Sloperton, Kingstown, gentleman.
41. Frederick W. Nevin, Silchester-road, Dundrum, bank official.
42. John Payne, 32, Palmerston-road, Cullenswood, merchant.
43. Graves E. Searight, 78, Pembroke-road, stockbroker.
44. William Wallace, Dunleary-road, Kingstown, coal merchant.
45. William George Barrett, Newtownsmith, Kingstown, merchant.
46. Henry Carleton, Seapoint-road, Monkstown, merchant.
47. Francis R. Davis, Hawthorne Lodge, Stillorgan, esquire.
48. Pierce Finucane, 19, Pembroke-road, gentleman.
49. Gowan R. Hamilton, Shanganagh Castle, Loughlinstown, militia officer.
50. John B. Johnston, 8, Clyde-road, baker.
51. John Lee, Vesci-place, Kingstown, farmer.
52. Goodricke L. Peacock, Coolamore-road, Dalkey, gentleman.
53. Charles L. Reis, 1, Aylesbury-road, jeweller.
54. Charles Thompson, 35, Leeson Park, gentleman.
55. Charles Archer, Claremont-villas, Kingstown, gentleman.
56. Sir John Barrington, St. Anne's, Killiney, merchant.
57. J. Crichton Carlton, 62, Northumberland-road, stockbroker.
58. David Davis, 2, Rathmines, merchant.
59. Francis Fitzgerald, Churchtown, Dundrum, army officer.
60. Francis F. Gaynor, Killiney House, Killiney, retired army officer.
61. Henry Alexander Hamilton, George's-street, Balbriggan, esq., J.P.
62. Samuel Jolly, Merville, Stillorgan, farmer.
63. Edward Keegan, Verney, Golden Ball, farmer.

THE CATHOLICS ARE—

1. John O'Brien, Northumberland-avenue, Kingstown, gentleman.
2. Edward Taaffe, Upper George's-street, Kingstown, publican.
3. Hugh Vaughan, 9, Aylesbury-road, Sinnot's-court, merchant.
4. George Campbell, Hermitage, Harold's-grange, merchant.
5. Peter Daly, Maynetown, Baldoyle, farmer.
6. Denis Egan, Santry, farmer.
7. Thomas Fagan, Martello-terrace, Kingstown, gentleman.
8. John Kane, 10 and 11, Leeson-park, merchant.
9. John Lawler, Irishtown, Palmerston, farmer.
10. Joseph O'Brien, 2, Palmerston-park, merchant.
11. Edward Reilly, Ballyman, Glasnevin, farmer.
12. Patrick Tallon, Collinstown, leather merchant.
13. Valentine Wall, Nutstown House, landholder.
14. David Allingham, Seafield, Clontarf, merchant.
15. Louis Daniel, 10, Rathmines, merchant.
16. Edward Egan, Marine-terrace, Kingstown, merchant.
17. William D. Kane, De Vesci-terrace, Kingstown, gentleman.
18. Frederick O'Callaghan, Clonsilla, grazier.
19. James Reilly, Baldoyle, farmer.
20. Patrick B. Darcey, Dunedan, Monkstown, merchant (dead).
21. Laurence Egan, Riversdale House, Monkstown, merchant.
22. James Kavanagh, Huntstown House, Finglas, farmer.
23. William Ledwich, Ashfield, Clondalkin, farmer.
24. James Magee, 1, Terenure-road, Rathgar, grocer.
25. John Taylor, Lusk, farmer.
26. Joseph Archbold, Malahide, farmer.
27. James Ennis, Naul, farmer.
28. John Gavan, 71, Queen-street, auctioneer and factor.
29. Joseph Kearns, Cottage, Finglas, farmer.
30. Edward Maher, Balcadden, Balbriggan, farmer.
31. Edward Nolan, Killeen Mills, Inchicore, paper manufacturer (dead).
32. Roderick S. O'Connor, 88, Pembroke-road, gentleman.
33. Daniel Sexton, Eastmoreland-place, contractor.
34. Michael Walsh, Rookwood, Rathfarnham, stationer.
35. William Ennis, Clonare, Balbriggan, farmer.
36. Daniel O'Connor, Ward House, Ward, grazier.
37. Patrick Reilly, Blundelstown, Clondalkin, grazier.

CITY PANEL.

The city panel contains the names of 51 Protestants, 48 Catholics, and one Jew—Mr. Charles L. Reis.

Of the Catholics, two were dead—John M'Dermott, Mountjoy-square West, druggist; and Matthew Reynolds, Redmond's-hill, broker. One—Patrick Carroll, Stephen's Green North, ironmonger, also a Catholic—had left before the panel was issued.

The result is that the available city panel consisted of 97 names, of which 51 were Protestants, 45 Catholics, and one Jew.

THE PROTESTANTS ARE—

1. William M. Evans, 66, Grafton-street, stationer.
2. Alexander Ferrier, 59, William-street, merchant.
3. William Gibson, 14, Lower Ormond-quay, seedsman.
4. James Harrison, 17, Henry-street, confectioner.
5. Charles Johnston, 27, Upper Sackville-street, druggist.
6. Charles Leechman, 59, William-street, merchant.
7. George Nutter, 115, Grafton-street, printseller.
8. Adam Phayre, 6, Hume-street, lodging-housekeeper.
9. Robert Sexton, 51, Dawson-street, tailor.
10. George B. Thompson, 9 and 10, Eustace-street, wine merchant.
11. Thomas H. Ward, River View, Conyngham-road, gentleman.
12. George Atkinson, 5, William-street, merchant.
13. George H. Beare, 11, Conyngham-road, gentleman.
14. George Carolan, 82½, Talbot-street, builder.
15. Thomas Fetherston, 143, Great Britain-street, Chandler.
16. Thomas Gilbert, 18, Westmoreland-street, merchant tailor.
17. Edmund Johnston, 94, Grafton-street, goldsmith.
18. Thomas Leetch, 56, Dame-street, magistrate.
19. Thomas Nuzum, 201, Great Brunswick-street, coal merchant.
20. Alexander Ogilvy, 13, Grafton-street, draper.
21. William J. H. Reside, 20, College-green, cloth merchant.
22. Walter Sexton, 118, Grafton-street, jeweller.
23. John D. Wardell, 75, Thomas-street, tea merchant.
24. George P. Beater, 17, Lower Sackville-street, druggist.
25. Denis J. Field, 9, Westmoreland-street, stationer.
26. Edward Johnston, 43, Grafton-street, restaurant keeper.
27. Wills Phenix, 10, Leinster-street, gasfitter.
28. Abraham Shackleton, 35A, James-street West, corn merchant.
29. Archibald Wardlaw, 10, D'Olier-street, gentleman.
30. Orlando Beater, 11 to 15, Henry-street, gentleman.
31. Henry Fielding, 33, Dawson-street, cabinet manufacturer.
32. James Sproule Johnson, 16, Lower Ormond-quay, wholesale paper merchant.
33. Adam F. Macdonald, 65, South Great George's-street, draper.
34. Ephraim Phillips, 37, Grafton-street, draper.
35. James Shanks, 54, Townsend-street, mineral water manufacturer.
36. Thomas Wardrop, jun., 55, Great Brunswick-street, builder.
37. James Beatty, 20, Grafton-street, merchant.
38. Samuel Figgis, 104, Grafton-street, bookseller.
39. John B. Johnston, 5, Townsend-street, merchant.
40. Graham Lemon, 49, Lower Sackville-street, confectioner.
41. Thomas Phillips, 18, North Earl-street, bootmaker.
42. Haughton W. Shannon, 108 and 109, Thomas-street, haberdasher.
43. William Thompson, 17, Talbot-street, reporter.
44. William Wardrop, 55, Great Brunswick-street, builder.
45. John Beatty, 14, Grafton-street, carpet manufacturer.
46. Arthur Denny, 66, Lower Leeson street, gentleman.
47. Adam S. Findlater, 29, Upper Sackville-street, wine merchant.
48. Wilfred Haughton, 27 and 28, City-quay, corn merchant.
49. Joseph G. Lendrum, 29, Thomas-street, tobacco manufacturer.
50. Thomas Phillips, 4, Dame-street, tailor.
51. Robert W. Richan, 145, Great Britain-street, grocer.

THE CATHOLICS ARE—

1. Philip Carlin, 91, Lower Baggot-street, gentleman.
2. William H. Delany, 85 and 86, Coombe, pawnbroker.
3. John C. Kelly, 14, Cope-street, wholesale merchant.
4. Alphonsus M'Dermott, 65, Great Britain-street, wine merchant.
5. Patrick O'Farrell, 145, North King-street, tobaccoist.

6. Peter

6. Peter Dempsey, 5, Nassau-street, draper.
7. James Hart, 2, Henry-street, bootmaker.
8. John J. Kelly, 39, Sackville-street, grocer.
9. John M'Dermott, 64, Mountjoy-square West, druggist.
10. Henry Phelan, 43, Denzille-street, house painter.
11. John Thompson, 45, Dawson-street, saddler.
12. Peter Aungier, 22, Dominick-street, salesmaster.
13. James Carolan, 26 to 30, Amiens-street, hotel-keeper.
14. Cornelius Dennehy, 41, Mountjoy-square South, gentleman, J.P.
15. Andrew Gilligan, 9, College-street, vintner.
16. Joseph C. Hart, 19 and 20, Pill-lane, vintner.
17. Joseph Kelly, 66 and 67, Thomas-street, timber merchant.
18. John Lemass, 2, Capel-street, hatter.
19. William M'Dermott, 65, Great Britain-street, wine merchant.
20. Jeremiah O'Hare, 35, Dolphin's Barn-lane, tanner.
21. Bernard Reynolds, 61, Capel-street, grocer.
22. Patrick Thompson, 85, Lower Gardiner-street, wine merchant.
23. Robert Aungier, 22, Lower Dominick-street, salesmaster.
24. James Carr, 14, Copper-alley, provision merchant.
25. Thomas Dennehy, 56 and 57, Lower Baggot-street, coach-builder.
26. Philip Gilligan, 78, Middle Abbey-street, vintner.
27. John Haughey, 8, Lower Bridge-street, hardware merchant.
28. Martin Kelly, 39, Upper Sackville-street, grocer.
29. Edward Lenehan, 27, Castle-street, leather merchant.
30. Edward O'Leary, 42, Stephen-street, grocer.
31. Mathew Reynolds, 1 and 2, Redmond's-hill, broker.
32. William Thompson, 85, Lower Gardiner-street, wine merchant.
33. Robert Aungier, 70, Eccles-street, esq.
34. Patrick Carroll, 18, Stephen's-green North, ironmonger.
35. William Dennehy, 9 and 10, John-street West, wholesale wine and spirit merchant.
36. Patrick M. Gleeson, 28, Thomas-street, grocer.
37. Patrick Haughey, 4, Lower Bridge-street, hardware merchant.
38. Peter Kelly, 1 and 2, Wood-quay, wine and spirit merchant.
39. James M'Donald, 62, Upper Dorset-street, provision dealer.
40. Michael O'Loughlin, 20, South Richmond-street, butcher.
41. Patrick Reynolds, 51, South Great George's-street, grocer.
42. Thomas Aungier, 70, Eccles-street, esq.
43. William B. Carroll, 14, Mary-street, grocer.
44. Jeremiah Goggin, 74, Grafton-street, bog-oak manufacturer.
45. Robert M. Johnston, 68, Lower Mount-street, wine merchant.
46. William Kelly, 56, Sackville-street, fishing tackle manufacturer.
47. John M'Donald, 10, Lower Gardiner-street, tailor.
48. Michael O'Meara, 51, Thomas-street, grocer.

The two panels, county and city, contained 193 names, of which 112 were Protestants, 80 Catholics, and one a Jew.

MODE OF SELECTING A JURY.

The mode in which a particular jury is selected is as follows :—The whole panel is called upon. There is a number opposite the name of each juror on the panel. The numbers corresponding to the names of those who answer are put into a ballot box. They are drawn one by one, and if not challenged or told to stand aside are sworn, this process going on until 12 are sworn.

THE O'CONNOR JURY.

The first article in the "Freeman's Journal" relating to the composition of the juries at the Special Commission appeared on Friday the 11th August. It was a brief paragraph, referring to the case of The Queen v. John O'Connor and others—"The Kerry Outrage Case"—which had been at hearing the previous day, and stating the Crown exercised their right to challenge "on a wholesale scale," and no less than nineteen persons, some of them among our most respectable citizens, were ordered to "stand aside."

The jurors ordered to stand aside were :—

- | | | | | | |
|---|---|---|---|---|-------------|
| 1. Hugh Vaughan, Aylesbury-road, merchant | - | - | - | - | Catholic. |
| 2. James Ennis, Naul, farmer | - | - | - | - | Catholic. |
| 3. Thomas Phillips, Dame-street, tailor | - | - | - | - | Protestant. |

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4. W. H. Delany,

4. W. H. Delany, The Coombe, pawnbroker	-	-	-	-	Catholic.
5. John Lemass, Capel-street, hatter	-	-	-	-	Catholic.
6. Joseph Archbold, Malahide, farmer	-	-	-	-	Catholic.
7. Edward Lenehan, Castle-street, leather merchant	-	-	-	-	Catholic.
8. William Ledwich, Clondalkin, farmer	-	-	-	-	Catholic.
9. James Magee, Terenure-road, grocer	-	-	-	-	Catholic.
10. Martin Kelly, Upper Sackville-street, grocer	-	-	-	-	Catholic.
11. Patrick Reilly, Clondalkin, grazier	-	-	-	-	Catholic.
12. Edward O'Leary, Stephen-street, grocer	-	-	-	-	Catholic.
13. William Dennehy, John-street West, merchant	-	-	-	-	Catholic.
14. John Taylor, Lusk, farmer	-	-	-	-	Catholic.
15. William Thompson, Talbot-street, reporter	-	-	-	-	Protestant.
16. Jeremiah O'Hare, Dolphin's Barn-lane, tanner	-	-	-	-	Catholic.
17. Patrick Reynolds, South Great George-street, grocer	-	-	-	-	Catholic.
18. Philip Carlin, Lower Baggot-street, gentleman	-	-	-	-	Catholic.
19. Louis Daniel, Rathmines, grocer	-	-	-	-	Catholic.
20. James Carolin, Amiens-street, hotel-keeper	-	-	-	-	Catholic.

Note.—The "Freeman" article said 19 were set aside. The printed report shows 20, as above.

Of the 20 thus set aside, 18 were Catholics and two Protestants.

The prisoners challenged the following six jurors, all Protestants :—

1. John Maconchey, Highfield-road, gentleman	-	-	-	Protestant.
2. William Gibson, 14, Lower Ormond-quay, seedsman	-	-	-	Protestant.
3. John Beatty, 14, Grafton-street, carpet manufacturer	-	-	-	Protestant.
4. Samuel Figgis, 104, Grafton-street, bookseller	-	-	-	Protestant.
5. Ephraim Phillips, 37, Grafton-street, draper	-	-	-	Protestant.
6. Graves E. Searight, 78, Pembroke-road, stock-broker	-	-	-	Protestant.

The jury who tried the case were :—

1. John Lebrary, Braganza, Dalkey, merchant	-	-	-	Protestant.
2. William George Barrett, Newtownsmith, Kingstown, wine merchant	-	-	-	Protestant.
3. Francis Johnston, Sloperton, Kingstown, gentleman	-	-	-	Protestant.
4. James Shanks, Townsend-street, mineral-water manufacturer	-	-	-	Protestant.
5. John Payne, 32, Palmerston-road, Cullenswood, merchant	-	-	-	Protestant.
6. Thomas Wardrop, 55, Great Brunswick-street, builder	-	-	-	Protestant.
7. Adam S. Findlater, Sackville-street, Upper, wine merchant	-	-	-	Protestant.
8. William Wallace, Dunleary-road, Kingstown, coal merchant	-	-	-	Protestant.
9. Wills Phenix, 10, Leinster-street, gas-fitter	-	-	-	Protestant.
10. Haughton W. Sharman, 108 and 109, Thomas-street, haberdasher	-	-	-	Protestant.
11. Thomas Fetherstone, 143, Great Britain-street, Chandler	-	-	-	Protestant.
12. George P. Beater, 17, Sackville-street, Lower, druggist	-	-	-	Protestant.

The jury was exclusively composed of Protestants.

THE HYNES' JURY.

The second article in the "Freeman's Journal" appeared on Saturday, August 12th, and referred to the fact that in the above case, which was still at trial, the Crown had set aside, as in the previous case, a large number of Catholic jurors.

In this case 49 names were drawn, consisting of 22 Catholics, 26 Protestants, and one Jew. The prisoner challenged 11 Protestants, leaving 15 Protestants, one Jew, and 22 Catholics. The Crown "set aside" four Protestants, and the entire 22 Catholics, leaving a jury consisting of 11 Protestants, one Jew, and no Catholics.

In this case the Crown set aside the following :—

1. William Dennehy, John-street West, merchant	-	-	-	Catholic.
2. Edward O'Leary, Stephen-street, grocer	-	-	-	Catholic.
3. Patrick Reilly, Clondalkin, grazier	-	-	-	Catholic.
4. Martin Kelly, Upper Sackville-street, grocer	-	-	-	Catholic.
5. James Magee, Terenure-road, grocer	-	-	-	Catholic.
6. William Ledwich, Clonalkin, farmer	-	-	-	Catholic.
7. Edward Lenehan, Castle-street, leather merchant	-	-	-	Catholic.
8. Joseph Archbold, Malahide, farmer	-	-	-	Catholic.
9. John Lemass, 2, Capel-street, hatter	-	-	-	Catholic.
10. W. H. Delany, The Coombe, pawnbroker	-	-	-	Catholic.
11. Michael O'Loughlin, South Richmond-street, butcher	-	-	-	Catholic.
12. Thomas Leetch, Dame-street, china merchant	-	-	-	Protestant.
13. John J. Kelly, Upper Sackville-street, grocer	-	-	-	Catholic.
14. Patriok Haughey, 4, Bridge-street, Lower, hardware merchant	-	-	-	Catholic.
15. James Reilly, Baldoyle, farmer	-	-	-	Catholic.
16. Thomas				

- | | | | | | | |
|---|---|---|---|---|---|-------------|
| 16. Thomas Phillips, Dame-street, tailor | - | - | - | - | - | Protestant. |
| 17. Andrew Gilligan, College-street, vintner | - | - | - | - | - | Catholic. |
| 18. Peter Aungier, Dominick-street, salesmaster | - | - | - | - | - | Catholic. |
| 19. James Carolin, Amiens-street, hotel-keeper | - | - | - | - | - | Catholic. |
| 20. Adam Phayre, Hume-street, lodging-house keeper | - | - | - | - | - | Protestant. |
| 21. Peter Dempsey, Nassau-street, draper | - | - | - | - | - | Catholic. |
| 22. Laurence Egan, Riversdale, Monkstown, shopkeeper | - | - | - | - | - | Catholic. |
| 23. Louis Daniel, Rathmines, grocer | - | - | - | - | - | Catholic. |
| 24. Patrick O'Farrell, North King-street, tobacconist | - | - | - | - | - | Catholic. |
| 25. Thomas Phillips, North Earl-street, bootmaker | - | - | - | - | - | Protestant. |
| 26. Philip Carlin, Baggot-street, gentleman | - | - | - | - | - | Catholic. |

Of the 26 jurors ordered to stand aside, 22 were Catholics and four Protestants.

The "challenges" by the prisoner were :—

- | | | | | | | |
|---|---|---|---|---|---|-------------|
| 1. Walter Sexton, Grafton-street, jeweller | - | - | - | - | - | Protestant. |
| 2. Captain George Carey, Laurel Lodge, Terenure | - | - | - | - | - | Protestant. |
| 3. Alexander O'Gilvy, Grafton-street, draper | - | - | - | - | - | Protestant. |
| 4. James Beatty, Grafton-street, merchant | - | - | - | - | - | Protestant. |
| 5. Francis Johnston, De Vesci-terrace, Kingstown, gentleman | - | - | - | - | - | Protestant. |
| 6. Francis M. Scott, Kilmainham, woollen manufacturer | - | - | - | - | - | Protestant. |
| 7. Henry Finlay, Corcagh Demesne, gentleman | - | - | - | - | - | Protestant. |
| 8. Samuel Figgis, Grafton-street, bookseller | - | - | - | - | - | Protestant. |
| 9. Edmund Johnson, Grafton-road, goldsmith | - | - | - | - | - | Protestant. |
| 10. George Macnie, Baymount, Clontarf, printer | - | - | - | - | - | Protestant. |
| 11. George B. Thompson, Eustace-street, wine merchant | - | - | - | - | - | Protestant. |

All the above 11 jurors challenged by the prisoner were Protestants.

The jury actually sworn were as follows :—

- | | | | | | | |
|---|---|---|---|---|---|-------------|
| 1. Charles Reis, silversmith, Grafton-street | - | - | - | - | - | Jew. |
| 2. William G. Barrett, Kingstown, merchant | - | - | - | - | - | Protestant. |
| 3. Graves Searight, Pembroke-road, stockbroker | - | - | - | - | - | Protestant. |
| 4. Ephraim Phillips, Grafton-street, draper | - | - | - | - | - | Protestant. |
| 5. Richard Carey, Lansdowne-road, gentleman | - | - | - | - | - | Protestant. |
| 6. Edward Hamilton, Orwell-road, gentleman | - | - | - | - | - | Protestant. |
| 7. John Beatty, Grafton-street, carpet manufacturer | - | - | - | - | - | Protestant. |
| 8. John Maconchey, Highfield Park, gentleman | - | - | - | - | - | Protestant. |
| 9. William Wardrop, Great Brunswick-street, builder | - | - | - | - | - | Protestant. |
| 10. William Macklin, Kingstown, plumber | - | - | - | - | - | Protestant. |
| 11. R. D. Barber, Grosvenor-road West, bank manager | - | - | - | - | - | Protestant. |
| 12. William Gibson, Ormond Quay, Lower, seedsman | - | - | - | - | - | Protestant. |

Juror No. 6.—Edward Hamilton, of Orwell-road is, and was, at the time of the trial, secretary or agent of the County of Dublin Property Defence Association, a branch of the Central Defence Association for Ireland. He is also a retired army officer on half-pay. This is the juror who wrote the letters defending the jury in the newspapers.

PATRICK WALSH'S JURY—FIRST TRIAL.

On the 16th August Patrick Walsh was placed on his trial for the murder of Martin Lydon at Letterfrack. Owing to the mode adopted by the officials of the Crown, it was impossible to ascertain the names of the jurors who were ordered to "stand by," as the moment the Clerk of the Crown called out the number prefixed to the juror's name on the printed panels, Mr. Anderson, a Crown official (who being seated alongside, knew what juror was about to be called) exclaimed "stand by" without waiting for the name, and consequently the Clerk of the Crown omitted to call the names of those jurors altogether. Had the names of all the jurors been comprised in one panel, the omission to call the name would not have mattered, as the number would have enabled the juror to be ascertained. But there being two panels, one for the county and one for the city, and each panel being numbered separately from 1 to 100, the result of directing a number to stand aside instead of a name was effectually to prevent the press and the public from knowing what jurors were ordered to stand aside. We can, therefore, only give the names of the jurors who were sworn.

THE JURY SWORN WAS COMPOSED OF THE FOLLOWING :—

- | | | | | | | |
|---|---|---|---|---|---|-------------|
| 1. James Beatty, 20, Grafton-street, merchant | - | - | - | - | - | Protestant. |
| 2. Francis Johnson, De Vesci-terrace, Monkstown, accountant
general, Bank of Ireland | - | - | - | - | - | Protestant. |
| 3. William Gibson, 14, Lower Ormond Quay, seedsman | - | - | - | - | - | Protestant. |
| 4. James Harrison, 17, Henry-street, confectioner | - | - | - | - | - | Protestant. |
| 5. Richard Carey, 57, Lansdowne-road, gentleman | - | - | - | - | - | Protestant. |
| 6. William | - | - | - | - | - | |

- | | | | | |
|--|---|---|---|-------------|
| 6. William J. H. Reside, 20, College Green, cloth merchant | - | - | - | Protestant. |
| 7. David Davis, Rathmines, merchant | - | - | - | Protestant. |
| 8. Pierce Finucane, 19, Pembroke-road, gentleman | - | - | - | Protestant. |
| 9. W. James Halliday, Brookville, Monkstown, grocer | - | - | - | Protestant. |
| 10. John B. Johnston, 8, Clyde-road, baker | - | - | - | Protestant. |
| 11. Wills Phenix, 10, Leinster-street, gas-fitter | - | - | - | Protestant. |
| 12. William Wallace, Dunleary-road, Kingstown, coal merchant | - | - | - | Protestant. |

The above jury was exclusively Protestant. They were unable to agree to a verdict, and the prisoner was put back to be tried again.

PATRICK WALSH'S JURY—SECOND TRIAL.

Patrick Walsh was put upon his trial for the second time on the 21st August.

The Crown officials on this occasion reverted to the usual procedure, and called the name of each juror who was set aside.

The Crown ordered 20 jurors to stand aside, and 11 were challenged by the prisoner.

The following are the names of those who were ordered to stand by:—

- | | | | | |
|---|---|---|---|-------------|
| 1. John M'Donald, 10, Lower Gardiner-street, tailor | - | - | - | Catholic. |
| 2. Samuel Jolly, Merville, Stillorgan, farmer | - | - | - | Protestant. |
| 3. Martin Kelly, 39, Upper Sackville-street, grocer | - | - | - | Catholic. |
| 4. William B. Carroll, 14, Mary-street, grocer | - | - | - | Catholic. |
| 5. James Ennis, Naul, farmer | - | - | - | Catholic. |
| 6. Peter Dempsey, 5, Nassau-street, draper | - | - | - | Catholic. |
| 7. Thomas Aungier, 70, Eccles-street, esquire | - | - | - | Catholic. |
| 8. Arthur Denny, 66, Lower Leeson-street, gentleman | - | - | - | Protestant. |
| 9. William Macklin, Crofton-terrace, Kingstown, plumber | - | - | - | Protestant. |
| 10. Thomas Leetch, 56, Dame-street, magistrate | - | - | - | Protestant. |
| 11. Hugh Wallace, Dunleary-road, Kingstown, merchant | - | - | - | Protestant. |
| 12. Thomas Phillips, 4, Dame-street, tailor | - | - | - | Protestant. |
| 13. Edward Keegan, Verney, Golden Ball, farmer | - | - | - | Protestant. |
| 14. James C. Hart, 19 and 20, Pill-lane, vintner | - | - | - | Catholic. |
| 15. Andrew Gilligan, 9, College-street, vintner | - | - | - | Catholic. |
| 16. Graves E. Searight, 78, Pembroke-road, stockbroker | - | - | - | Protestant. |
| 17. James M'Donald, 62, Upper Dorset-street, provision dealer | - | - | - | Catholic. |
| 18. Patrick M'Gleeson, 28, Thomas-street, grocer | - | - | - | Catholic. |
| 19. Robert W. Richan, 145, Great Britain-street, grocer | - | - | - | Protestant. |
| 20. Michael O'Loughlin, 20, South Richmond-street, butcher | - | - | - | Catholic. |

Of the 20 jurors ordered to stand by, 11 were Catholics and nine Protestants.

The jurors challenged by the prisoner were:—

- | | | | | |
|---|---|---|---|-------------|
| 1. Francis M. Scott, Island-bridge, Kilmainham, J.P., wool manufacturer | - | - | - | Protestant. |
| 2. Joseph G. Lendrum, 29, Thomas-street, tobacco manufacturer | - | - | - | Protestant. |
| 3. John Beatty, 14, Grafton-street, carpet manufacturer | - | - | - | Protestant. |
| 4. Denis J. Field, 9, Westmoreland-street, stationer | - | - | - | Protestant. |
| 5. Henry Nicholl, Bohamer, St. Dolough's, gentleman | - | - | - | Protestant. |
| 6. Captain George Carey, Laurel Lodge, Terenure, retired army officer | - | - | - | Protestant. |
| 7. Charles Johnston, 27, Upper Sackville-street, druggist | - | - | - | Protestant. |
| 8. George Macnie, Baymount, Clontarf, printer and stationer | - | - | - | Protestant. |
| 9. Henry Alexander Hamilton, George's-street, Balbriggan, esq., J.P. | - | - | - | Protestant. |
| 10. Ephraim Phillips, 37, Grafton-street, draper | - | - | - | Protestant. |
| 11. Robert Sexton, 51, Dawson-street, tailor | - | - | - | Protestant. |

The above 11 jurors are all Protestants.

The following comprised the jury who tried the case:—

- | | | | | |
|--|---|---|---|-------------|
| 1. William M. Evans, 66, Grafton-street, stationer | - | - | - | Protestant. |
| 2. George B. Thompson, 9 and 10, Eustace-street, wine merchant | - | - | - | Protestant. |
| 3. Richard D. Barber, 10, Grosvenor-road, West bank manager | - | - | - | Protestant. |
| 4. Alexander Ogilvy, 13, Grafton-street, draper | - | - | - | Protestant. |
| 5. George Carolan, 82½, Talbot-street, builder | - | - | - | Protestant. |
| 6. Thomas Gilbert, 18, Westmoreland-street, merchant tailor | - | - | - | Protestant. |
| 7. Strattell Scott, 39, Mespil-road, veterinary surgeon | - | - | - | Protestant. |
| 8. Charles Leechman, 59, William-street, merchant | - | - | - | Protestant. |
| 9. John H. Reid, Holmston House, Kingstown, gentleman | - | - | - | Protestant. |
| 10. Edward Johnston, 43, Grafton-street, restaurant keeper | - | - | - | Protestant. |
| 11. George P. Beater, 17, Lower Sackville-street, druggist | - | - | - | Protestant. |
| 12. John Maconchey, Highfield-road, gentleman | - | - | - | Protestant. |

The above jurors are all Protestants.

MICHAEL WALSH'S JURY.

The trial of Michael Walsh for the murder of Constable Kavanagh at Letterfrack, commenced on Wednesday, 27th September.

In this case the Crown set aside 17 jurors, and eight were challenged by the prisoner.

THE JURORS ORDERED TO STAND BY WERE—

1. Edward O'Leary, 42, Stephen-street, grocer	-	-	-	-	Catholic.
2. William Ledwich, Ashfield, Clondalkin, farmer	-	-	-	-	Catholic.
3. Andrew Gilligan, 9, College-street, vintner	-	-	-	-	Catholic.
4. James Carolan, 26 to 30, Amiens-street, hotel-keeper	-	-	-	-	Catholic.
5. Henry J. Vickers, Hermitage, Blackrock, barrister	-	-	-	-	Protestant.
6. Michael O'Loughlin, 20, South Richmond-street, butcher	-	-	-	-	Catholic.
7. James Ennis, Naul, farmer	-	-	-	-	Catholic.
8. Edward Reilly, Ballyman, Glasnevin, farmer	-	-	-	-	Catholic.
9. William B. Carroll, 14, Mary-street, grocer	-	-	-	-	Catholic.
10. Abraham Shackleton, 35A, James's-street West, corn merchant	-	-	-	-	Protestant.
11. John Lawlor, Irishtown, Palmerston, farmer	-	-	-	-	Catholic.
12. Martin Kelly, 39, Upper Sackville-street, grocer	-	-	-	-	Catholic.
13. Joseph C. Hart, 19 and 20, Pill-lane, vintner	-	-	-	-	Catholic.
14. Denis Egan, Santry, farmer	-	-	-	-	Catholic.
15. Edward Taaffe, Upper George's-street, Kingstown, licensed publican	-	-	-	-	Catholic.
16. Edward Egan, Marine-terrace, Kingstown	-	-	-	-	Catholic.
17. Louis Daniel, 10, Rathmines, merchant	-	-	-	-	Catholic.

Two of the above jurors are Protestants and 15 Catholics.

THE JURORS CHALLENGED BY THE PRISONER WERE—

1. Edward Hamilton, Orwell-road, gentleman	-	-	-	-	Protestant.
2. Henry J. Finlay, Corkagh Demesne, gentleman, J.P.	-	-	-	-	Protestant.
3. William Wallace, Dunleary-road, Kingstown, coal merchant	-	-	-	-	Protestant.
4. W. J. H. Reside, 20, College-green, cloth merchant	-	-	-	-	Protestant.
5. Edward Johnston, 43, Grafton-street, restaurant keeper	-	-	-	-	Protestant.
6. Robert R. Young, 8, Raglan-road, stockbroker	-	-	-	-	Protestant.
7. Pierce Finucane, 19, Pembroke-road, gentleman	-	-	-	-	Protestant.
8. George Macnie, Baymount, Clontarf, printer and stationer	-	-	-	-	Protestant.

The following 12 gentlemen composed the jury who tried Michael Walsh:—

1. Francis Johnston, Serpentine, Kingstown, gentleman	-	-	-	-	Protestant.
2. Henry Fielding, 33, Dawson-street, cabinet manufacturer	-	-	-	-	Protestant.
3. Denis J. Field, 9, Westmoreland-street, stationer	-	-	-	-	Protestant.
4. William G. Barrett, Newtown Smith, Kingstown, wine merchant	-	-	-	-	Protestant.
5. John B. Johnston, 8, Clyde-road, baker	-	-	-	-	Protestant.
6. James Shanks, 54, Townsend-street, mineral-water manufacturer	-	-	-	-	Protestant.
7. Thomas Wardrop, junior, 55, Great Brunswick-street, builder	-	-	-	-	Protestant.
8. Thomas Nuzum, 201, Great Brunswick-street, coal merchant	-	-	-	-	Protestant.
9. William James Halliday, Brookville, Monkstown, grocer	-	-	-	-	Protestant.
10. Wilfred Haughton, 27 and 28, City-quay, corn merchant	-	-	-	-	Protestant.
11. Thomas Phillips, 4, Dame-street, tailor	-	-	-	-	Protestant.
12. Henry W. Figgis, 20, Grosvenor-road, merchant	-	-	-	-	Protestant.

The jury who tried the prisoner were all Protestants. Mr. Halliday (No. 9 on the list) affirmed as a Quaker.

Appendix, No. 4.

LISTS of JURORS, handed in by Mr. Gray.

14 August.—LAURENCE KENNY, indicted for firing a revolver at Serjeant Macaulay, 5th Northumberland Fusiliers, with intent to kill, on 18th May, at Mullingar. The Crown ordered six jurors to “stand by.” The prisoner challenged three jurors.

The following Jury was sworn :—

1. Frederick O'Callaghan, Clonsilla	-	-	-	-	-	Catholic.
2. Michael O'Loughlin, 20, South Richmond-street	-	-	-	-	-	Catholic.
3. Joseph Archbold, Malahide	-	-	-	-	-	Catholic.
4. James Magee, 1, Terrenure-road, Rathgar	-	-	-	-	-	Catholic.
5. Patrick Reilly, Clondalkin	-	-	-	-	-	Catholic.
6. John Beatty, 14, Grafton-street	-	-	-	-	-	Protestant.
7. Francis Johnston, Monkstown	-	-	-	-	-	Protestant.
8. William Gibson, 14, Lower Ormond Quay	-	-	-	-	-	Protestant.
9. George Macnie, Baymount, Clontarf	-	-	-	-	-	Protestant.
10. George B. Thompson, 9 and 10, Eustace-street	-	-	-	-	-	Protestant.
11. James Reilly, Baldoyle	-	-	-	-	-	Catholic.
12. Thomas Phillips, 18, North Earl-street	-	-	-	-	-	Protestant.

The prisoner was convicted, and sentenced to penal servitude for life.

14 August.—WILLIAM BRYAN, JOHN KINSELLA, and JEREMIAH DUGGAN, indicted for wounding John Sullivan, with intent to kill, on 4th April, near Mallow. The Crown ordered 10 jurors to “stand by.” The prisoner challenged three jurors.

The following Jury was sworn :—

1. Alexander Ogilvy, 13, Grafton-street	-	-	-	-	-	Protestant.
2. Walter Sexton, 118, Grafton-street	-	-	-	-	-	Protestant.
3. Captain George Carey, Laurel Lodge, Terrenure	-	-	-	-	-	Protestant.
4. Thomas Fetherston, 143, Great Britain-street	-	-	-	-	-	Protestant.
5. John B. Johnston, 8, Clyde-road	-	-	-	-	-	Protestant.
6. William James Halliday, Monkstown	-	-	-	-	-	Protestant.
7. Thomas H. Ward, Conyngham-road	-	-	-	-	-	Protestant.
8. Robert Sexton, 51, Dawson-street	-	-	-	-	-	Protestant.
9. Pierce Finucane, 19, Pembroke-road	-	-	-	-	-	Protestant.
10. David Davis, 2, Rathmines	-	-	-	-	-	Protestant.
11. W. J. H. Reside, 20, College Green	-	-	-	-	-	Protestant.
12. Thomas Leetch, 56, Dame-street	-	-	-	-	-	Protestant.

The prisoner was convicted, and sentenced to 10 years' penal servitude.

18 August.—THOMAS CAESAR, indicted for having set fire to the dwelling-house of Rody Drewley on 3rd July, near Killenaule, County Tipperary. The Crown ordered four jurors to “stand by.”

The following were sworn :—

1. Edward Linehan, Castle-street	-	-	-	-	-	Catholic.
2. Edmund Johnston, Grafton-street	-	-	-	-	-	Protestant.
3. Alexander Ogilvy, Grafton-street	-	-	-	-	-	Protestant.
4. James M'Donald, Dorset-street	-	-	-	-	-	Catholic.
5. W. M. Evans, Grafton-street	-	-	-	-	-	Protestant.
6. James Carolin, Amien-street	-	-	-	-	-	Catholic.
7. Hugh Vaughan, Aylesbury-road	-	-	-	-	-	Catholic.
8. Arthur						

8. Arthur Denny, Lower Leeson-street	-	-	-	-	-	Protestant.
9. Samuel Jolly, Stillorgan	-	-	-	-	-	Protestant.
10. Peter Dempsey, Nassau-street	-	-	-	-	-	Catholic.
11. William Dennehy, John-street	-	-	-	-	-	Catholic.
12. John Thompson, Dawson	-	-	-	-	-	Catholic.

The Jury disagreed, and the prisoner was discharged on his own recognizances to come up for judgment when called upon.

19 August.—JOHN BRENNAN, indicted for having, on 28th March, murdered Joseph M'Mahon in Dorset-street, Dublin.

The following Jury was sworn:—

1. George Carolin, Talbot-street	-	-	-	-	-	Protestant.
2. Charles Johnston, Sackville-street	-	-	-	-	-	Protestant.
3. John Thompson, Dawson-street	-	-	-	-	-	Catholic.
4. William Dennehy, John-street	-	-	-	-	-	Catholic.
5. Peter Dempsey, Nassau-street	-	-	-	-	-	Catholic.
6. Arthur Denny, Leeson-street	-	-	-	-	-	Protestant.
7. James Carolin, Amien-street	-	-	-	-	-	Catholic.
8. W. M. Evans, Grafton-street	-	-	-	-	-	Protestant.
9. Alexander Ogilvy, Grafton-street	-	-	-	-	-	Protestant.
10. Edmond Johnston, Grafton-street	-	-	-	-	-	Protestant.
11. Edward Lenehan, Castle street	-	-	-	-	-	Catholic.
12. Jeremiah O'Haire, Dolphin Barn	-	-	-	-	-	Catholic.

The prisoner, during the case, pleaded guilty to manslaughter.

19 August.—GEORGE RICHMOND *alias* WARD, JOHN REILLY, and FRANCIS GRUNDY, indicted for having, on 6th July 1882, threatened to inflict bodily punishment upon Sarah Kenny, in order to prevent her giving evidence in a prosecution concerning the murder of her husband, John Kenny, in Seville-place, Dublin. The Crown ordered three jurors to "stand by," and two were challenged.

The following were sworn:—

1. Alexander Ogilvy, Grafton-street	-	-	-	-	-	Protestant.
2. David Allingham, Clontarf	-	-	-	-	-	Catholic.
3. Strattel Scott, 39, Mespel-road	-	-	-	-	-	Protestant.
4. Thomas Gilbert, Westmoreland-street	-	-	-	-	-	Protestant.
5. George Carolin, Talbot-street	-	-	-	-	-	Protestant.
6. Thomas Leetch, Dame-street	-	-	-	-	-	Protestant.
7. Charles Johnston, Sackville-street	-	-	-	-	-	Protestant.
8. W. M. Evans, Grafton-street	-	-	-	-	-	Protestant.
9. John Thompson, Dawson-street	-	-	-	-	-	Catholic.
10. William Dennehy, John-street	-	-	-	-	-	Catholic.
11. D. C. Taylor, Rathfarnham	-	-	-	-	-	Protestant.
12. Thomas Nuzum, Brunswick-street	-	-	-	-	-	Protestant.

The prisoners were convicted. Ward was sentenced to seven years, Grundy to two years, and Reilly to 18 months.

Appendix, No. 5.

PAPERS handed in by the *Chairman*.

The Chairman of the Committee to Mr. Justice *Lawson*.

My dear Sir,
I HAVE been requested by the Members of the Committee, to which has been referred the consideration of your letter to Mr. Speaker, informing him that you had committed Mr. E. D. Gray to prison for contempt of Court, to forward to you a copy of the documents which have been placed before them, and also the statement made to the Committee by Mr. Gray, all of which you will find enclosed.

3 November 1882.
I am, &c.
(signed) *Henry James*.

Mr. Justice *Lawson* to the Chairman of the Committee.

My dear Sir,
I BEG to thank you for your courtesy in sending to me the print of the proceedings before the Committee on Mr. Gray's case, which reached me this morning.

27, Upper Fitzwilliam street, Dublin,
4 November 1882.
Yours, &c.
(signed) *James A. Lawson*.

The Chairman of the Committee to Mr. Justice *Lawson*.

My dear Sir,
I BEG to forward to you copies of the evidence taken before the Committee on Privilege on Tuesday last, and of a Paper handed in by Mr. Gray.

8 November 1882.
I am, &c.
(signed) *Henry James*.

Mr. Justice *Lawson* to the Chairman of the Committee.

My dear Sir,
I BEG to acknowledge receipt of your letter of yesterday, with the enclosures of the copies of evidence, for which I beg to thank you.

Queen's Bench, 9 November 1882.
I remain, &c.
(signed) *James A. Lawson*.

REPORT
FROM THE
SELECT COMMITTEE
ON
PRIVILEGE (MR. GRAY)
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
21 November 1882.*

[*Price 10d.*]

496.

Under 8 oz.

H.—24. 11. 82.

R E P O R T
FROM THE
SELECT COMMITTEE
ON
PUBLIC OFFICES SITE BILL;
TOGETHER WITH THE
PROCEEDINGS OF THE COMMITTEE,
MINUTES OF EVIDENCE,
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
28 June 1882.*

Ordered,—[Monday, 15th May 1882]:—THAT the PUBLIC OFFICES SITE BILL be read a second time, and committed to a Select Committee.

Ordered,—[Tuesday, 1st June 1882]:—THAT the Select Committee to which the Public Offices Site Bill is referred consist of Eleven Members, Seven to be nominated by the House, and Four by the Committee of Selection.

Committee nominated of—

Mr. Shaw Lefevre.	}	Nominated by the House.
Sir Henry Selwin-Ibbetson.		
Sir Edward Reed.		
Mr. Beresford Hope.		
Mr. Arthur Arnold.		
Mr. Macfarlane.		
Mr. Brand.		
Mr. Gerard Noel.	}	Added by the Committee of Selection. [Tuesday, 6th June 1882.]
Mr. Rylands.		
Sir Richard Wallace.		
Mr. Walter.		

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Three be the Quorum of the Committee.

THAT all Petitions presented against the Bill be referred to the Select Committee on the Bill, provided such Petitions are presented Three clear days before the meeting of the Committee, and that such of the Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against the said Petitions.

Ordered,—[Thursday, 8th June 1882]:—THAT Sir Edward Reed be discharged from further attendance on the Select Committee, and that Sir Arthur Otway be added to the Committee.

Ordered,—[Friday, 9th June 1882]:—THAT the Report and Minutes of Evidence of the Select Committee on Public Offices and Buildings (Metropolis), 1877, be referred to the Select Committee on the Public Offices Site Bill.

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R E P O R T.

THE SELECT COMMITTEE to whom the PUBLIC OFFICES SITE BILL was referred, have examined the allegations of the Bill, and found the same to be true, and have taken Evidence thereon, which they have agreed to Report to the House; and have gone through the Bill, and made Amendments thereunto.

28 *June* 1882.

PROCEEDINGS OF THE COMMITTEE.

Friday, 9th June 1882.

MEMBERS PRESENT:

Mr. Gerard Noel.
Mr. Macfarlane.
Mr. Rylands.
Mr. Beresford Hope.
Mr. Shaw Lefevre.

Mr. Brand.
Sir Henry Selwin-Ibbetson.
Mr. Walter.
Mr. Arthur Arnold.

Mr. SHAW LEFEVRE was called to the Chair.

The Committee deliberated.

[Adjourned till Friday next, at Twelve o'clock.]

Friday, 16th June 1882.

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. Rylands.
Mr. Brand.
Mr. Macfarlane.
Mr. Gerard Noel.
Mr. Beresford Hope.

Sir Henry Selwin-Ibbetson.
Mr. Arthur Arnold.
Mr. Walter.
Sir Richard Wallace.
Sir Arthur Otway.

PUBLIC OFFICES SITE BILL.

Preamble read the first time.

Agents:—Messrs. *Wyatt*.

The following Petitions against the Bill were read:

- (1.) Messrs. *Cocks, Biddulph & Co.*
- (2.) Metropolitan Board of Works.

No person appeared in support of the same.

Mr. *Wyatt* was heard in support of the Preamble of the Bill.

Sir *Henry Hunt* and Mr. *John Taylor* sworn, and examined.

The room was cleared, and the Committee deliberated.

The Preamble was read a second time.—Question, "That the Preamble is proved,"—put, and *agreed to*.

Parties called in and informed of the decision of the Committee.

[Adjourned till Tuesday next, at Twelve o'clock.]

Tuesday, 20th June 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Sir Richard Wallace.
Mr. Walter.
Mr. Arthur Arnold.
Sir Henry Selwin-Ibbetson.
Mr. Gerard Noel.

Mr. Beresford Hope.
Mr. Macfarlane.
Mr. Brand.
Mr. Rylands.
Sir Arthur Otway.

The Committee deliberated.

[Adjourned till Monday next, at Two o'clock.

Monday, 26th June 1882.

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Sir Arthur Otway.
Mr. Macfarlane.
Sir Richard Wallace.
Mr. Beresford Hope.
Mr. Arthur Arnold.

Mr. Walter.
Mr. Rylands.
Mr. Brand.
Mr. Gerard Noel.
Sir Henry Selwin-Ibbetson.

The Committee deliberated.

Motion made, and Question put, "That the Committee ask leave to make a Special Report, with a view to consider an alternative plan"—(Mr. *Beresford Hope*).—The Committee divided :

Ayes, 4.

Sir Richard Wallace.
Mr. Walter.
Mr. Gerard Noel.
Mr. Beresford Hope.

Noes, 5.

Mr. Arthur Arnold.
Sir Henry Selwin-Ibbetson.
Sir Arthur Otway.
Mr. Rylands.
Mr. Brand.

Clauses 1—6, considered, amended, and *agreed to*.

Clause 7.—Motion made, at the end of the Clause, to add the following words, "Provided that no consideration shall be payable in respect of any land forming part of St. James's Park"—(Mr. *Arthur Arnold*).—Question, "That these words be there added,"—put, and *negatived*.

Clause 7, *agreed to*.

Remaining Clauses of the Bill amended, and *agreed to*.

Schedules amended, and *agreed to*.

Question, "That this Bill, as amended, together with the Minutes of Evidence, and Appendix, be reported to the House,"—put, and *agreed to*.

· LIST OF WITNESSES.

Friday, 16th June 1882.

Sir Henry Hunt, C.B.	-	-	-	-	-	-	-	-	-	1
Mr. John Taylor	-	-	-	-	-	-	-	-	-	4

MINUTES OF EVIDENCE.

Friday, 16th June 1882.

MEMBERS PRESENT:

Mr. Arthur Arnold.
Mr. Brand.
Mr. Beresford Hope.
Mr. Shaw Lefevre.
Mr. Macfarlane.
Mr. Gerard Noel.

Sir Arthur Otway.
Mr. Rylands.
Sir Henry Selwin-Ibbetson.
Sir Richard Wallace.
Mr. Walter.

THE RIGHT HONOURABLE G. J. SHAW LEFEVRE, IN THE CHAIR.

The Petition for the Bill was read.

No Counsel appeared in support of the Petition.

Mr. Wyatt appeared as Agent.

The following Petitions against the Bill were read:—

The Petition of the Metropolitan Board of Works.

No Person appeared in support of this Petition.

The Petition of Messrs. Cocks, Biddulph, and Company.

No Person appeared in support of this Petition.

Mr. Wyatt was heard briefly to open the case for the Bill.

Sir HENRY HUNT, C.B., having been sworn ; was Examined, as follows:

Mr. Wyatt.

1. I WILL just put the usual question to you as a matter of form; have you read the recitals in the Preamble to this Bill?—Yes.

2. Do you believe them to be true?—Yes.

Mr. Wyatt stated that this was all the evidence he proposed to produce for the Preamble.

Chairman.

3. You are consulting Surveyor to the Office of Works?—Yes.

4. I need hardly ask whether you have been in that position for a great number of years?—A great number.

5. And you have made a valuation for the Government of the site proposed to be taken under this Bill?—Yes.

6. Will you give to the Committee the detail of that valuation?—This (*producing a plan*) is a 0.127.

Chairman—continued.

copy of the deposited plan; and the part tinted with a pink colour is the part proposed to be taken compulsorily. It comprises Spring Gardens and five houses in Charing Cross. The total cost of acquiring that will be 458,185 £., and I have divided it in the following manner: the value of the property belonging to the Crown; now in the occupation of the Admiralty (many of these houses in Spring Gardens are in the occupation of the Admiralty), is 160,380 £.; there are other houses in Spring Gardens in the occupation of various Government officials, including the master gunner's house, of which the value is 49,940 £.; and there are other houses, the property of the Crown, in the occupation of private persons, or let on leases, of which the value is 82,865 £.; those three sums make a total of 293,185 £. Then the value of the property belonging to private persons, and of the leasehold interests in the

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Sir H. HUNT, C.B.

[Continued.]

Chairman—continued.

the property belonging to the Crown, is 165,000 *l.*, and that added to the 293,185 *l.*, gives you the amount I have stated, namely, 458,185 *l.* That is the cost of acquiring the property not in the possession at the present time of the Government; I understand the Admiralty and the First Lord's house and the Paymaster General's Office to be in the possession of the Government.

7. £. 458,000, therefore, represents the total sum which would have to be paid by the Government for the property which they propose to acquire under this Bill?—Yes.

8. And of that 293,000 *l.* would be paid to the Crown, and 165,000 *l.* to private persons?—That is so.

9. That does not include the value of the property which belongs to the Government, independently of the Crown, namely, the site of the present Admiralty?—It does not.

10. Does it include the two houses which it is proposed under the notices for this Bill to take, opposite to Drummond's Bank?—Yes, two houses.

11. And it includes the five houses fronting Whitehall, next to Biddulph's Bank, which are private houses?—Yes.

12. And various other leasehold interests in Spring Gardens?—Yes, it includes all that.

Mr. Macfarlane.

13. It is an estimate of the value, not an arrangement made?—It is not an arrangement; it is an estimate.

Chairman.

14. Under the clauses of this Bill it is proposed, is it not, to pay that 293,000 *l.* to the Crown by an annuity spread over a term of years?—I do not know anything about that.

15. However, the clause speaks for itself?—Yes.

16. But practically it is a mere transfer from one Government department to another?—I suppose so.

17. And the sum outgoing to private individuals would be 165,000 *l.*?—Yes.

Mr. Gerard Noel.

18. Does that 485,000 *l.* which you have told us is the cost of the land you propose to purchase, include more than that which is marked yellow and green on this map (*pointing to a map*)?—Yes.

Chairman.

19. It includes the whole that is marked blue and pink, with the exception of the property in the actual occupation of the Admiralty?—Yes.

Mr. Gerard Noel.

20. Does it take Cocks' bank?—No; it goes up to Cocks' bank; it does not include Cocks' bank.

Chairman.

21. Will you now explain to the Committee what is the value of the property which will be set free by this operation?—I have made an estimate of the property which will be set free when these two departments are erected; and

Chairman—continued.

the first property is the present War Office in Pall Mall, which I estimate to be worth 250,000 *l.*; and then the Army Medical Board in Whitehall-yard, which, taking 600 *l.* at 20 years' purchase, is worth 12,000 *l.* That I call Crown property.

22. Is that property upon which the Government now pays rent to the Crown?—No, they do not pay rent for this: there are a few leases upon this property in Pall Mall, but they are for very short terms and very small rents.

23. It is not fully rated?—No, not near.

24. But the Government does pay rent?—To some extent, but not much. What I mean is that when the War Office is moved into the new building, the Government or the Crown will have set free for sale or for building purposes the property in Pall Mall, which is represented by 250,000 *l.*

25. Although the Government, as distinct from the Crown, does not pay full value now in the shape of rent to the Crown?—Nothing like it.

26. But it does pay some rent?—A small rent comparatively; I do not know what it is.

27. When set free by the operation of this Bill, that property in Pall Mall and Whitehall-yard will realise the value of 262,000 *l.*?—Yes.

28. Then there is further property belonging to the Government, which you call Consolidated Fund property?—Yes; Winchester House, in St. James's-square, 45,000 *l.*; Adair House, 49,700 *l.*

29. You have valued the freehold of Adair House; it is only leased, but for the purposes of this calculation you must take the value of the fee simple?—You must take the rental at what it would be fairly capitalised at as representing what you would be saving. Then there is No. 35, Great George-street, Westminster, a house occupied by the War Department, 5,600 *l.* Then I must take a sum for the value of the houses occupied by the Admiralty in Spring-gardens, because we shall not have to pay that; that is 160,380 *l.*

30. That appears on the other side of the account?—Yes, that appears on the other side of the account, which means, in point of fact, that the total sum which would be realised either by the Crown or by the Consolidated Fund, would be 522,680 *l.*

31. As compared with an outlay of 458,000 *l.*?—Yes; that is, of course, putting down nothing in respect of the Admiralty and the First Lord's house.

32. The effect of the operation of the Bill will be very beneficial as regards the Crown property, at all events?—It will be beneficial in a financial point of view if you look at the Crown property, as part of the property of the Government; it is out of one pocket into the other, in point of fact.

33. At all events, during the life of Her Majesty, the Government will receive the rent of that?—Yes.

Mr. Rylands.

34. Winchester House you estimated at what?—45,000 *l.*

35. What did you give for it?—45,000 *l.*

36. And

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[Continued.]

Mr. Rylands—continued.

36. And you estimate it at the same amount?—Yes.

Mr. Arthur Arnold.

37. What about Adair House; how do you arrive at the figures you gave?—By taking 20 years' purchase upon the rental we pay for it.

38. Was not Adair House purchased by the Government?—No; the Treasury would not buy it, and we have rented it.

Chairman.

39. I think, when the Select Committee, the Report of which is before this Committee, was considering this question, you gave evidence in favour of the Great George-street site?—I did.

40. Would you lay before the Committee a comparison of the cost of the present scheme with that of the Great George-street scheme?—Yes.

41. By your scheme before that Committee it was proposed to take the whole of the property between Parliament-street, Great George-street, and St. James's Park?—Yes.

42. And upon that site you proposed that the War Office and the Admiralty should be erected?—Yes.

43. And a further building for the Council Office?—Yes.

44. As compared with the present site, that site gives a rather larger area for building purposes, does it not?—Yes.

45. What is the difference?—The site with which we are now dealing has an area of 237,000 feet; the Great George-street site to be acquired was 288,000 feet, and the cost of it was estimated at 1,300,000 *l.* Now, to make a fair comparison, I made an estimate of the whole cost, including that which I have already given you, and the probable value of the Admiralty premises, the First Lord's residence, and the Paymaster General's office, so as to make a comparison between the two. If you could sell the Admiralty, if it were vacant land, the total cost of the site would be 927,000 *l.*, as against 1,300,000 in the Great George-street site.

46. For the purposes of comparison, you have valued the property which is in the possession of the Government, and occupied by the Admiralty?—Yes, and the Paymaster General's Office.

47. And putting a value upon that, you have then compared that with what we should have had to pay for the compulsory purchase of the rent of the Great George-street site?—Yes.

48. And the difference is, in round numbers, as between 1,300,000 *l.* and 900,000 *l.*, a difference of 400,000 *l.*?—Yes.

49. But looking at it in perhaps a more practical manner, namely, what the money out of pocket to the Government would be, in the one case the Government would have to pay 165,000 *l.* to private individuals, and in the other case something over 1,000,000 *l.*?—Yes; but still, in making a comparison, you must look at it all as property, whether we use it for this purpose, or whether we sell it. And then that estimate of 522,000 *l.* which I gave you as to property being set free, would apply to both schemes alike, and, in addition, the value of the Admiralty site in regard to the Great George-street site.

0.127.

Chairman—continued.

50. Of the Great George-street property a portion has already been bought by the Government?—Yes.

51. How much is that valued at?—Bought and paid for 241,681 *l.*

52. That is property mainly fronting Parliament-street and King-street?—And Charles-street, and some houses in Great George-street.

53. Of course, one advantage of that scheme would be the widening of Parliament-street?—Yes.

54. Now, supposing the present scheme were adopted by Government, would it, in your opinion, still be possible to widen Parliament-street irrespective of the present plan?—Yes, I think the cost of the property that we have acquired, and the cost of the property to be acquired, would be recouped to any speculator, or to the Metropolitan Board of Works, by the vacant land which would be set free after the street had been widened.

55. Therefore, although the Government may adopt this present plan for rebuilding the Admiralty and the War Office, we need not abandon the idea of the widening of Parliament-street?—No.

56. That would be a metropolitan improvement, and might be carried out by the Metropolitan Board or any body authorised for the purpose, and, according to the figures, that still may be done without any loss to the Government or the public?—Yes; and the Government would then get back, of course, the 241,000 *l.* which they have already paid on account of some buildings which they from time to time have acquired.

Mr. Rylands.

57. What is the state of the ground so acquired; is it now covered by buildings in private occupation?—You mean Great George-street site. Partly; the only vacant ground there is, is the ground in Charles-street, opposite the India Office.

Mr. Arthur Arnold.

58. With regard to Clause 4, it is there provided that, "The Commissioners shall pay all costs and expenses incurred by Her Majesty or by the Commissioners of Woods in relation to the valuation of the said lands or the purchase money under this Act"; could you give me now any estimate of what those costs will be?—I cannot indeed. It is an ordinary thing that the purchaser under compulsory Acts has to pay the vendor's expenses, and they depend entirely upon the litigation that may arise, and a variety of circumstances; but it will not be very much.

59. Did you value the Great George-street site?—Yes.

60. Does your memory supply you with the cost of the valuation in that case?—I got nothing for it; it was included in my salary.

61. Will this valuation be included in your salary?—As far as this valuation is concerned, it will be included in my salary also; I shall have nothing to do with the purchasing of the property.

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62. Since

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[Continued.]

Chairman.

62. Since the Report of the Committee of 1877, you are aware that Messieurs Drummond have rebuilt their bank?—Yes.

63. And that Messieurs Cocks and Biddulph have rebuilt theirs also?—Yes.

64. And do you know that both of those firms offered the land to the Government before building them?—I am under that impression, but I never saw any correspondence.

65. Under those circumstances should you consider that the Government was under a moral obligation not to take, under compulsion, their property?—I certainly should.

Mr. Gerard Noel.

66. And did Messieurs Cocks and Biddulph apply to the Government?—I was under the impression that Messieurs Cocks and Biddulph applied to the Government before they erected their present new buildings.

67. On this plan of yours there is only space to erect the War Office and Admiralty?—Yes.

68. No space to offer to the Board of Trade, for instance, or to the Offices of Woods and Works, as there was, I think, on the Great George-street site?—No, it was never intended to put the Office of Works upon the Great George-street site, or any other buildings except the Council Office.

69. According to your Great George-street plan, the Office of Works was housed, was it not?—Not in the Great George-street site.

70. But in your plan it was?—Yes.

Mr. Rylands.

71. In the estimate you gave us just now, comparing your Great George-street site with the one now proposed, as regards your estimate I

Mr. Rylands—continued.

understand that it only included the War Office and the Admiralty?—The Great George-street site? It included space for the Council Office also.

72. And that was all?—That was all.

Chairman.

73. Can you compare the building area, not the ground, but what I may call the building area of your Great George-street plan, with that of the present one. (*The Witness made a calculation.*)?—The building area in my Great George-street site was 128,500 feet.

74. And the present plan provides 59,000 square feet for the War Office, 52,800 square feet for the Admiralty, and, I think, 9,000 square feet for that building in Spring Gardens, deducting 10 feet for widening the area, it is 150 by 60, which is 9,000 square feet, and that figure added to the others will give 8,000 feet difference between the two areas?—Yes.

Mr. Arthur Arnold.

75. I presume that you are in no way responsible for the recommendation of the method in which the consideration is payable to Her Majesty?—None whatever.

Mr. Gerard Noel.

76. Is what is called the Paymaster's Office included in the proposed new War Office?—No.

77. I think you said, in your evidence in 1877, that you required 62,000 feet for the War Office, allowing for the growth of the War Office; is 59,000 feet enough, as now proposed?—I am not responsible for that figure.

[The Witness withdrew.]

Mr. JOHN TAYLOR, having been sworn; was Examined, as follows:

Chairman.

78. You are the Surveyor of the Office of Works?—I am.

79. And by my instructions you have prepared the plan which is now before the Committee?—I have.

80. That plan provides accommodation for the War Office and the Admiralty, adjoining one another?—It does.

81. And it places the War Office next to the Horse Guards?—It does.

82. And it provides 59,000 square feet for the War Office, and 52,800 for the Admiralty?—That is so.

83. Are you aware that the War Office officials and the Admiralty have stated that that area will be sufficient for their purposes?—That is understood.

84. It also provides a block in Spring-gardens, coloured pink in the plan before the Committee, on which residences for the First Lord of the Admiralty, the First Naval Lord, and the Secretary, could be built, if it were thought desirable that those officers should have residences there?—That was the intention.

85. And it would be available for other public purposes, if it should be thought undesirable that

Chairman—continued.

those officers should have residences there?—Yes.

86. The plan also provides for widening the entrance at Charing Cross by Messrs. Drummond's Bank to a width of 60 feet?—That is so.

87. And it would give access to the proposed Admiralty in Spring Gardens?—That was the intention in widening the entrance.

88. Will you state to the Committee whether there were reasons for not putting the façade fronting the Mall nearer to Carlton-terrace and the Metropolitan Board; do you consider that it is as near as it could be placed, having regard to the rights of the Metropolitan Board and of the people who live in Carlton-terrace?—The block coloured pink could certainly not be placed any nearer to the Metropolitan Board without injuring their lights.

89. I am dealing now, not with that, but with the main building fronting the Mall?—I think it is as close to the Metropolitan Board of Works as it ought to come; it would be a very high building.

90. What is the distance between that and the garden of the Metropolitan Board?—About 160 feet.

91. Do

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Mr. TAYLOR.

[Continued.]

Chairman—continued.

91. Do you consider that it would not be advisable to bring that frontage nearer to Carlton-terrace?—It would not, I think.

92. Then the plan provides that the frontage to Whitehall shall run from the Horse Guards to Messrs. Cocks and Biddulph's bank?—That is, as it is shown on the plan.

93. What is the length of that frontage?—Four hundred and fifty feet.

94. That is considerably longer than the frontage of the new Home Office to Parliament-street, is it not?—Considerably longer.

95. The plan provides that the back of Messrs. Cocks and Biddulph's bank should go along Spring Gardens?—The plan provides for the back of Messrs. Biddulph's bank being left as it is.

96. And then the building is at the rear of Messrs. Biddulph's bank?—Yes, at a distance of about 45 feet.

97. Do you consider that the court-yards, as shown in the plan, are sufficiently large for light and air, and for the conveniences of the Public Offices?—I am quite of opinion, that they are large enough for light and air.

98. What is the area: the length and breadth of them?—The length of the two principal quadrangles is about 155 feet by 130 feet to 90 feet respectively.

99. Are those courtyards as large as the courtyards of the India Office and the Foreign Office?—None of them is so large as the principal quadrangle of the Foreign Office.

100. I meant the smaller courtyards?—The smaller quadrangles in the proposed new buildings are larger in area than they are in the Home Office and Colonial Office.

101. And are those found sufficient?—I have heard no complaint as to them.

Mr. Gerard Noel.

102. The quadrangle that has "Buckingham Court" written upon it is much smaller than the other three; do you consider that sufficient?—That quadrangle is very much larger than the smallest quadrangle of the Colonial Office.

103. But there have been many complaints, have there not, of the existing courtyards, that they are not large enough, that the light is not sufficient; do you think that the one which I now allude to is quite ample and sufficient?—Yes, that courtyard is 100 feet by 60 feet.

104. It came out in evidence in 1877, if I remember rightly, that there was not sufficient light from the courtyards in many of the Public Offices; that is why I ask whether the one called Buckingham Court is sufficient?—I think this Court is ample for the purposes of light and air; 100 feet by 60 feet.

Sir Henry Selwin-Ibbetson.

105. What is the contemplated height of the new buildings?—The probability is that they would be 70 feet to 80 feet high.

106. In what way does that compare with the height of the buildings of the Home Office and Foreign Office existing at present?—About the same. I am assuming that height; but there has been no elevation prepared.

107. You assume, from the ground plan and 0.127.

Sir Henry Selwin-Ibbetson—continued.

the amount of space required, the height just stated?—Yes.

108. And you propose to bring that height up to the existing Horse Guards block, at 70 feet?—Not necessarily up to the Horse Guards. I think the block next the Horse Guards on either side would probably be dropped to a lower level.

109. I wish to ask you, with regard to the building coloured pink; that building, if erected as it is, would stand directly in the way of a straight thoroughfare, carrying out the Mall, as it is at present, into Charing Cross?—It would stand directly in the way of that.

110. Have you had before you, or contemplated, the possibility, supposing such a thoroughfare is ultimately made, of being able to place a building of a similar size and character to the pink plot on a site adjoining that which is marked green; that is to say, the main Admiralty buildings?—Yes; there would be no difficulty in finding a corresponding area provided the buildings were built at an angle.

111. And that would place the house built for the First Lord, if it were used for that purpose, together with the buildings where the offices were situated?—Yes; the residence would then be in the main building instead of in a detached one.

112. And might be made to form part of the façade of the main building architecturally?—Yes.

113. However, there is nothing to prevent the First Lord's house being erected on that space so as not to interfere, should it be thought necessary, with a more direct line from the Mall into Charing Cross?—There would be no difficulty in obtaining the First Lord's residence on the site.

Mr. Walter.

114. Might not the same object be gained by slewing round this building, as at present laid out, in this way (*pointing to the map*); placing it more in a line with Carlton House Terrace?—There is not sufficient space in the angle to admit of that.

Mr. Brand.

115. Would not the house that is proposed to be erected for the First Lord, in this spot marked pink, entirely prevent the entrance to the Park from Charing Cross being made in a straight line?—It would prevent a handsome entrance from being made as it stands now; the entrance would be comparatively narrow, and would not be straight.

116. Could not this ground be utilised that is marked with red dots at the corner of the proposed Admiralty building?—To a certain extent it could, but it would probably injure the back lights of some of the buildings now there; for instance, Messrs. Drummond's bank has lights at the back, and those lights would probably be affected by the erection of a high building parallel to that bank.

117. In the original plan before the Committee last week, was it not proposed to take half of Messrs. Biddulph's bank?—Notice was given to take a portion of Messrs. Biddulph's bank at the back, but not a portion of the main building; it was

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Mr. TAYLOR.

[Continued]

Mr. Brand—continued.

was proposed to take a portion of a much lower building, having its frontage in Spring Gardens.

118. As compared with the original plan, then the space has been reduced?—No, it has not been reduced in this plan at all.

Mr. Gerald Noel.

119. Could you tell the Committee when Messrs. Biddulph's bank was completed?—I should think it must be about six or seven years ago.

Mr. Rylands.

120. With regard to this proposed entrance, 60 feet wide, which, in the plan submitted to the Committee, crosses the corner of the building marked pink, would you be able to draw it in a straight line, 60 feet wide, the whole length of it taking off part of the building without any serious inconvenience in regard to your plan?—Yes, I think so, by shortening the pink building to a certain extent.

Chairman.

121. That we propose to do?—Yes.

122. That building is about 10 feet longer than was originally contemplated, and by reducing it 10 feet it would make the whole road 60 feet wide, should it be thought necessary to have a road entering the Park at that width?—Yes.

123. Not absolutely in a straight line, but nearly so?—Very nearly. It is no longer possible to obtain a straight line there, because of Drummond's new bank; you cannot get a wide entrance perfectly straight with the Mall now, unless you take that bank down.

Mr. Rylands.

124. Following up my question put just now, you would get an entrance 60 feet wide, and which would go into the Mall, without any disadvantageous appearance?—I think so.

125. And would you recommend that, in preference to the alternative scheme which has been suggested, of putting this red building alongside the main Admiralty building?—No, I do not think I should. I should almost prefer the main building to be erected at an angle, and to remove the pink building altogether.

126. Then you would prefer that the new part coloured green for the proposed Admiralty, should be increased by a certain amount of building, to take the place of the small plot coloured pink?—As a matter of design, I certainly should.

Chairman.

127. But it would interfere with the façade on that side, would it not?—Yes, it would to a certain extent; but I do not think it would be seriously objectionable.

128. But if it were intended for the residence of the First Lord, it would not be so desirable a position, would it?—You would not be able to make any particular part of the main design appear to be a residence, apart from the offices. The residence would then simply have to be embodied in the main building.

Mr. Arthur Arnold.

129. You are aware perhaps that Mr. Childers gave evidence to the effect that it did not appear to him desirable that there should be a residence for the First Lord?—I am not aware of that.

Mr. Rylands.

130. Would you look at this plan (*pointing to it*); the proposal you have just been answering me about is the one which would propose a line running through the corner of the plot marked pink, and so getting into the Mall with a turn; is there any objection to making the line more straight, that is to say, carrying it from here (*pointing*), just to bring it along parallel, or rather exactly opposite, to the line of the Mall; that would, of course, destroy the pink building altogether?—It would destroy it.

131. Would there be any objection to that?—There is no objection, except that you lose a certain amount of building space.

Chairman.

132. You lose 9,000 feet, in fact?—Yes.

Mr. Rylands.

133. But if you were to take the red building, and attach it to the Admiralty, would you not make up for that loss of space?—To a certain extent I think we should; but the plan would not be nearly so convenient as the present arrangement of the proposed building.

134. I thought you said just now that you preferred the buildings provided for in the red plot being attached to the Admiralty main building?—As a design for a handsome entrance to the Mall, I do; but the plan would not be so convenient as regards the offices.

Chairman.

135. Looking at the façade (*pointing*), it would not look well if this corner was not a right angle, but a different angle, so as to make the building in a line with the entrance to Charing Cross?—I prefer it as it is as a plan; but having regard to the general effect of a building erected there, if the entrance be a wide and handsome one, I should say, take up the general line of the opening into the Park.

136. But then it would be open to this objection, would it not, that as looked at from the Mall, the building would not be a rectangular one?—That difficulty could be overcome.

Mr. Rylands.

137. Just now you gave the dimensions of the proposed new court, the smaller court of the Admiralty, on the site marked "Buckingham Court"?—Yes.

138. Would you repeat, if you please, the area of that court?—I think I said 100 feet by 60.

139. Now, referring to this small court of the Colonial Office (*pointing to it*), what are the dimensions of that court?—The dimensions of that court are 70 feet by 50.

140. Then the area of the court in the Admiralty over the site marked "Buckingham Court" would be considerably in excess as compared with the area of the Colonial Office court?—Considerably.

141. Would

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Mr. TAYLOR.

[Continued.]

Mr. Rylands—continued.

141. Would you be kind enough to state how many square feet?—The proportion would be about as 6,000 to 3,500.

142. Then it is really not very far from double the space?—Very nearly double.

143. In making that comparison, have you made an allowance in the Colonial Office court for a considerable projection which appears there, in the form of what appears to be a bay?—I have not taken out the bay, and I took the longest side of that court; it is not square.

144. But then does not that make the Colonial Office court appear larger than it ought to be taken as being?—There is a deduction from that by the projection you speak of.

145. If you take the longest side in multiplying, with a view to find the area of the Colonial Office court, would you not make the area appear to be greater than you would do if you took the shortest side?—Yes; I have not made any deduction for the projection into that area which is not a high structure.

146. But I want you to make the deduction; I want to get the actual area of the Colonial Office court?—I should have to take it in detail to find it.

147. If you had made the deduction for this bay in the Colonial Office court, is it not the fact that the area would have been less than the estimate of the size of the court, which you have just given?—Probably a little less; but I cannot say exactly, unless I take out the actual dimensions. I think the figures which I have given you are about correct, relatively; as 6,000 is to 3,500.

Sir Henry Selwin-Ibbetson.

148. You are aware that the office rooms in the Colonial Office round this court are of a very great height themselves internally?—They are.

149. There would be no necessity requiring that the rooms in the new Admiralty or the War Office should be of that height, which has been very often stated, has it not, to be very inconvenient for office purposes?—I think there is a waste of space in the present Home Office and Colonial Office.

150. Consequently you could get the same accommodation round these courts in the new buildings with very much lower rooms, and the courts would give greater light therefore in the rooms?—In the proposed new buildings it would be so.

151. And, therefore, this court, in your plan, which is larger in itself than the Colonial Office court, would be still larger for purposes of light, should the rooms be brought down to the ordinary proportions of living-rooms instead of being

Sir Henry Selwin-Ibbetson—continued.

of the height that they are in the Colonial Office and the Home Office?—Yes, if the number of floors be the same in the new building as it is in the Home Office and the Colonial Office.

152. You would get a proportionate increase of light in your courtyard in consequence?—Yes.

153. And at the same time the building so reduced in height as a general building, would probably accord more with the height of the Horse Guards, which would be the centre of the whole architectural design?—I think the total height of the proposed new buildings would require to be equal to that of the Home Office at least.

154. Notwithstanding that you reduce the height of the individual rooms on each floor, you think that the total height must be equal to that of the Home Office?—Yes, for this reason, that some of the rooms at the top of the Home Office are very bad indeed, and ought to be higher than they are.

Mr. Gerard Noel.

155. They are useless, are they, in fact?—Some of them are now being used, because I have put skylights into them at the back; but they were so arranged that they could not be properly lighted from the front.

Sir Henry Selwin-Ibbetson.

156. In your opinion you could not diminish the actual height of your new building, though you might alter the proportion of the different floors?—No. There is one observation which I think I ought perhaps to make to the Committee, and that is, that although there is a block plan shown upon the site, I have not considered myself by any means committed to that actual appropriation of the land; it is a mere plan for the purpose of showing how much building area can be obtained approximately upon the site.

Chairman.

157. It by no means commits the department to that special plan?—Certainly not.

158. But when we come to consult with the architect, it may be that some better disposition of the site may be discovered?—Yes.

159. All that that plan proposes to show is how that land may be utilised, and how out of it a certain building area may be obtained?—Exactly so.

[The Witness withdrew.]

The Committee-room was cleared.

After a short time the parties were again called in.

The *Chairman* stated that the Committee were of opinion that the Preamble of the Bill had been proved.

[Adjourned.]

LIST OF APPENDIX.

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PLANS:

Proposed New Public Offices :

- No. 1.—Plan as proposed by the Office of Works.
 - No. 2.—Alternative Plan, prepared by the desire of the Committee, showing the Extension of the New Buildings to Messrs. Drummond's Bank.
 - No. 3.—Alternative Plan, showing an Extension of the Whitehall and North Frontages
 - No. 4.—Plan, showing an Extension of Plan No. 1, Northward, by 35 feet.
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A P P E N D I X.

MEMORANDUM by the CHAIRMAN on the Alternative PLANS for the PUBLIC OFFICES.

In accordance with the wishes of the Committee, plans have been prepared in the Office of Works, showing how, in the event of the frontage of the new offices to Whitehall being extended as far as Messrs. Drummond's Bank, by the purchase of Messrs. Biddulph's Bank and other intervening houses, the site may best be made available for the Admiralty and War Office.

In plan No. 2 the north-west corner of the building, facing the Mall, is extended by 35 feet in the direction of the Office of the Metropolitan Board, and thence there would be a straight line of building to Whitehall. In this plan the building would be nearly an exact square of 425 feet, with the addition of another block of 140 feet square between the main building and the Horse Guards.

This extension will provide a building area of 129,000 square feet as compared with 119,000 square feet in the original plan, but the original plan could also be extended the same distance in the direction of the Metropolitan Board, as shown in plan 4, without altering its general features, and this would give an addition of 4,000 square feet. There is a difference, therefore, of only 7,000 square feet of building area between the two plans.

In plan No. 3 the north frontage and the frontage of Whitehall, as shown in plan No. 1, are extended so as to meet in Whitehall at a point 32 feet distance from Messrs. Drummond's Bank, and a passage or space of that width is shown between the new buildings and the bank. This plan shows a building area of 126,000 square feet, or about 1,000 square feet more than the extension of the original plan as shown in No. 4.

Both these alternative plans would necessitate the purchase of the property intervening between the site as proposed and Messrs. Drummond's Bank, and it is estimated that this property, including the purchase of another site fronting Charing Cross, for Messrs. Biddulph's Bank, would cost from 230,000 £. to 250,000 £., or at the rate of about 30 £. per square foot of building area as compared with 7 £. 10 s. per foot for the building area on the site as proposed.

The additional space is not required for the purpose of the Admiralty and War Office, ample accommodation being provided in the original plan, and any additional accommodation that may hereafter be required could be provided by re-modelling the front of the Horse Guards to Whitehall, where there is a great waste of ground, and the façade of which is unworthy of the site, and quite unequal to the façade to the Park.

The only argument, therefore, in favour of the proposed extension is that it will complete the main quadrangle, and present a longer frontage to Whitehall. If in No. 2 plan Messrs. Drummond's Bank could be removed, so as to open out a view of the north-eastern angle of the quadrangle, there would be much to be said in favour of this extension from an architectural point of view. The effect of the great building, seen from Charing Cross, would be very imposing; it is, however, admitted that considerations of good faith and finance will prevent the Government from acquiring the site of Messrs. Drummond's Bank, and there will, therefore, be no view whatever of the north-east corner of the building. The façade to Whitehall will end at Messrs. Drummond's, and its connection with the north side of the frontage will not be visible. In the original plan the frontage to Whitehall ends at Messrs. Biddulph's Bank, and there is a further extension to the north behind their Bank and the adjoining houses; but, from the width of the street at Whitehall and the height of the Bank, this extension will not be visible to persons in Whitehall. The only difference, therefore, as regards Whitehall, is that the original plan has a frontage there of 450 feet, and the new plan has a frontage of 550 feet. I do not think that this extended façade will be of any advantage to the architectural effect of the building, as it will not be possible to see it from any distance; and so long a range of buildings in the narrowest part of Whitehall, unless of inconvenient

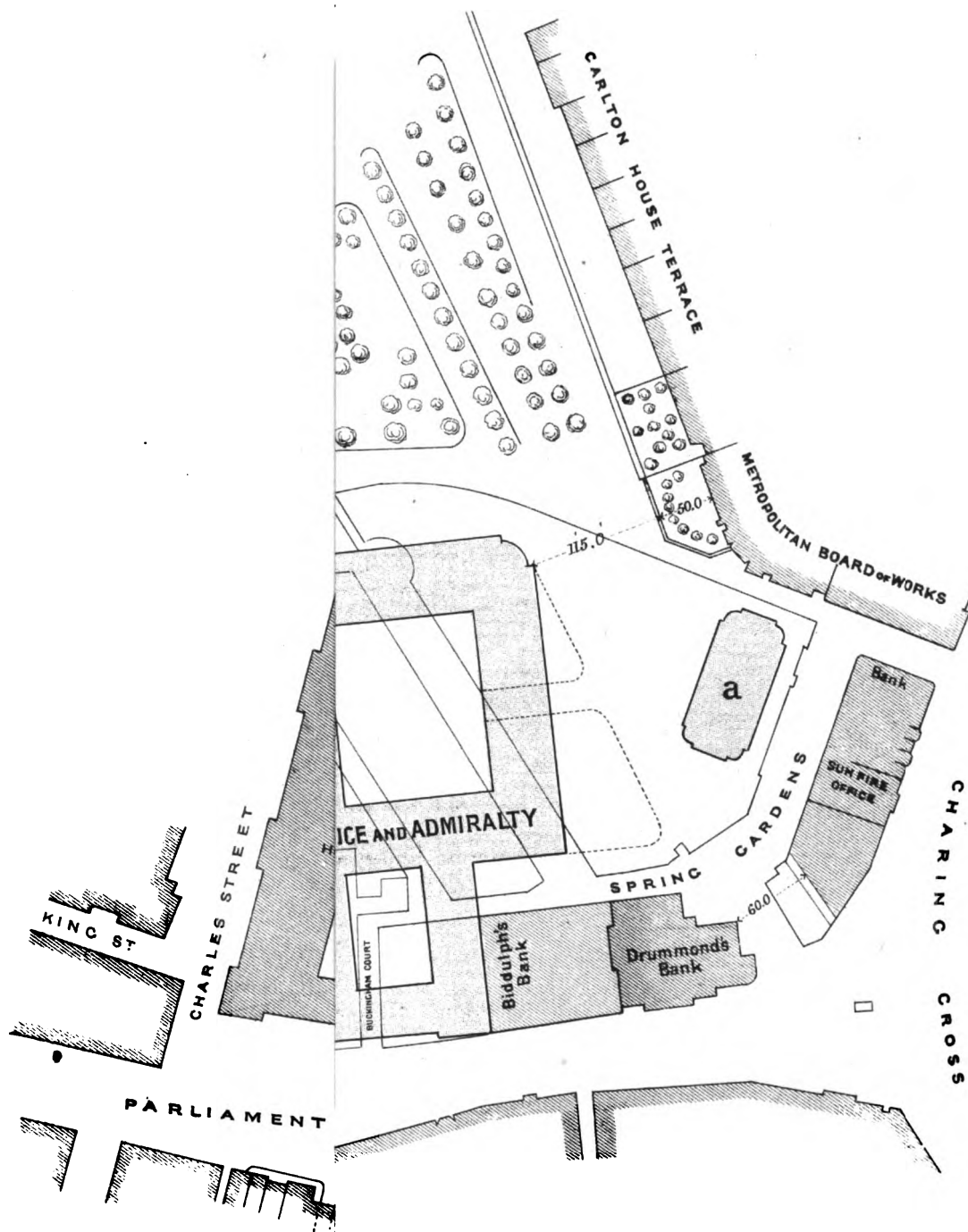
height, would be rather monotonous than otherwise. It will be otherwise with the frontage to the Mall, 425 feet in length, which will be seen from all points of the Park.

It has indeed been considered in preparing the new plan that it would be better to treat the smaller block between the Horse Guards and the main quadrangle as a subordinate building, and not as part of the main architectural façade; this will have the advantage on the parade side of enabling it to be of a less elevation than the main building, so as not to dwarf the building of the Horse Guards. It may be a question whether this arrangement should not also be adopted in the original plan; in such case the main architectural façade to Whitehall would be reduced to about 300 feet, the same length as the new Home and Colonial Office building. This arrangement would enable the Government, if it should at any future time find it desirable to purchase Messrs. Biddulph's Bank and the houses up to Messrs. Drummond's Bank, to build a subordinate range between the main building and the bank similar to that on the opposite side.

In plan No. 3 there is a space shown between the proposed buildings and Messrs. Drummond's Bank, of 35 feet. This is not enough for a road; and if the entrance to Spring Gardens is widened there is no necessity for another access to Whitehall. Messrs. Drummond's Bank separated by 35 feet from the new buildings would stand on a kind of island, its bare brick side would be brought into view, and though the angle of the new quadrangle would be partially visible to persons standing in the street opposite to it, there would be no general view of it; the architectural effect of the plan as seen from Whitehall would not be sensibly better than that of the plan as proposed.

The total cost of the site as now proposed will be about 460,000 £, of which 165,000 £ only would be paid to other persons than the Crown. If the property up to Messrs. Drummond's Bank be purchased, an addition will be made to the cost of the site of 250,000 £ or 50 per cent. This outlay might be expedient if it was really necessary for the accommodation of the two great departments. It will, however, as already shown, provide a very small addition, and the addition is not required by the departments concerned.

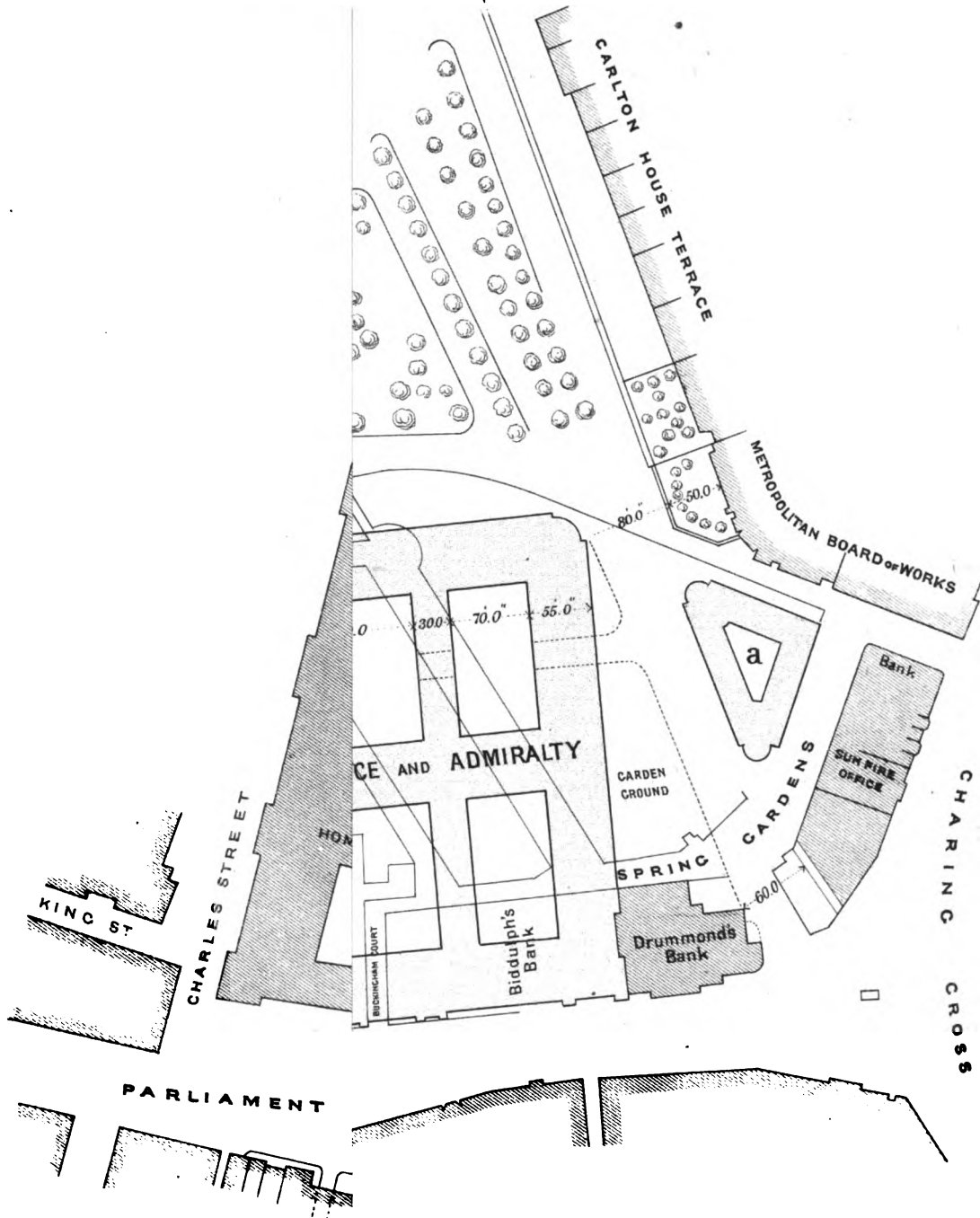
(PLAN N^o.1.)



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June 1882.*

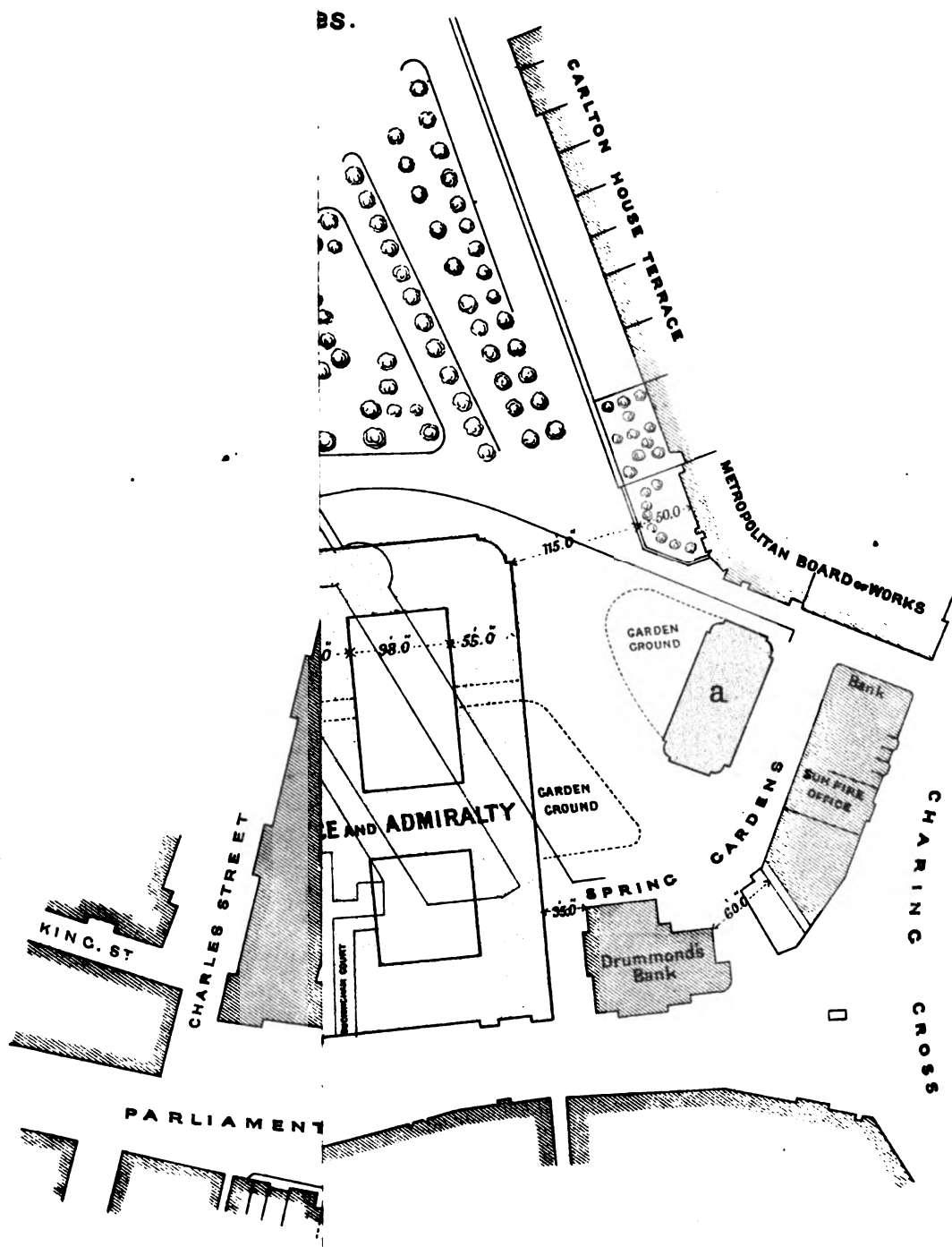
(PLAN N^o. 2.)

Alters to Mess^{rs}. Drummonds' Bank.

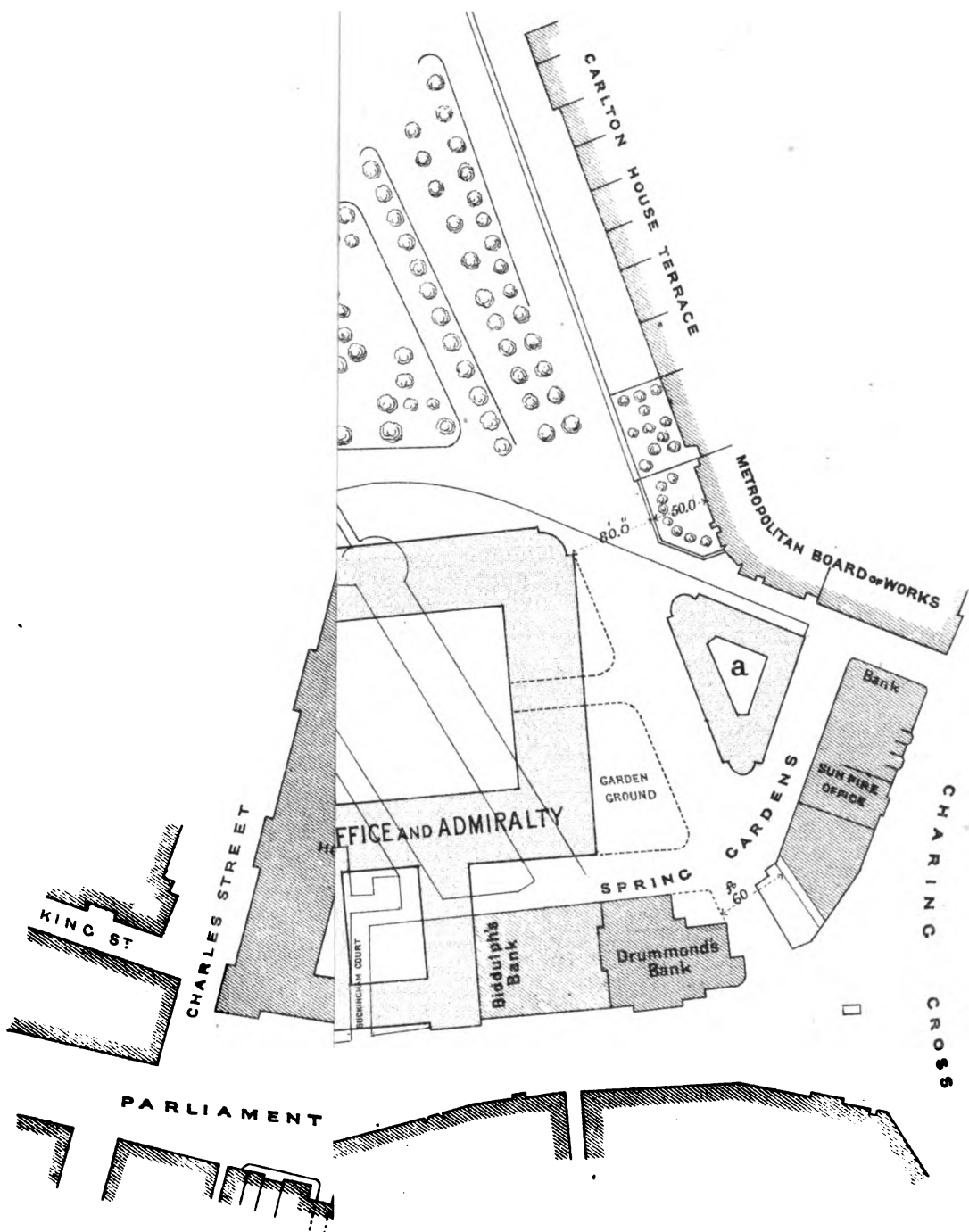


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(PLAN N^o. 3.)



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